



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409
302-539-3011 ~ 302-539-1305 fax
www.fenwickisland.delaware.gov

SPECIAL MEETING OF THE TOWN COUNCIL MUTUAL ASSISTANCE AGREEMENT WORKSHOP JANUARY 10, 2020

MINUTES

In Attendance

Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Houser, Council Member Weistling

Staff in Attendance:

Town Manager Tieman, Chief Boyden, Town Clerk Martin

Also in Attendance:

Chief McLaughlin (Ocean View Police Department), Chief Lovins (South Bethany Police Department)

Mayor Langan began the workshop at 11:00 AM.

Discussion

Chief Boyden noted that the Town Charter states that the police jurisdiction is 1 mile out from Town and Title 11 of Delaware Law states when the police can and cannot arrest. With the Mutual Assistance Agreement, it will give the Fenwick Island Police Department the arrest powers in each jurisdiction. Chief Boyden commented that if a Police Chief from either Ocean View or South Bethany contacts him for additional assistance, it still would need to be approved by him. He assured the Town Council that at no time the Town would be left unguarded. He also noted that the agreement was reviewed by all three Town Solicitors.

Council Member Weistling questioned how the Town could not be left unguarded when there is only one officer on duty at a time. Chief Boyden responded that in all cases the other town would contact him for assistance and if an emergency (such as an active shooter situation) he would send the on-duty officer and call someone else in to cover. Council Member Weistling then asked if the Town would need to pay overtime for the officer that was called in. Chief Boyden noted that in emergency situations, he would speak to the other towns to request reimbursement.

Chief Lovins from South Bethany noted that this agreement would enhance public safety. He added that it would assist all towns if they are short-handed since officers could be "loaned" out. Since all officers would be sworn into the other towns, it would also aid in taking evidence to Wilmington. Chief Boyden added that the agreement would add comradery between agencies.

Council Member Carmean asked if Chief Lovins currently has 24/7 police coverage. Chief Lovins responded no, but this agreement could give him the option to have full-time coverage on rare occasions. He added that recently his agency backed up a Fenwick Island officer on New Year's Eve.

Chief McLaughlin from Ocean View commented that he has a larger agency so he will be giving more assistance than what he will be getting. His agency has someone trained on fatal accidents, which would benefit other towns. With this agreement, Fenwick Island would not have to "farm out" assistance. The agreement would be good for morale and officer retention. He added that he has also spoken to Chief

Lovins and Chief Boyden about combining officer training. However, he disagrees about reimbursement for overtime since he has assisted Fenwick Island in the past and has never sent us a bill.

Chief Boyden noted that there are a lot of "gray areas" in Title 11 and this agreement would close those gray areas. Currently, if there is evidence that needs to go to Wilmington, he needs to call in an officer and pay overtime for them to deliver the evidence. With this agreement, the evidence could be turned over to any officer from South Bethany or Ocean View that was heading to Wilmington. He added that currently, if a Fenwick Island officer sees a traffic accident in another town, they need to call the other town and report it. With this agreement, if there is an incident in South Bethany or Ocean View, a Fenwick Island officer could issue a citation. Chief Boyden commented that this is not a lifetime agreement and if the Town sees no benefit, it can get out of the agreement at any time.

Vice Mayor Mais commented that in the past when South Bethany was short-handed, they had to wait for a State trooper. Chief Boyden added that he had to contact the State for additional assistance and it has taken over an hour for the State Police to respond.

Council Member Carmean questioned about the citation paperwork and who would be responsible for the court dates. Chief Boyden responded that it would be the same as the current practice: if an officer is working in another jurisdiction and makes an arrest that goes to court, that agreement and pay would continue when he goes to court.

Council Member Carmean noted that the agreement differs in what was actually discussed today, especially with the clause added that routine non-emergency police services shall be considered sworn police officers. Chief Boyden responded with an example: if Ocean View has a string of burglaries, he could send a Fenwick Island officer to assist, but right now that officer could not arrest any suspects but would have to report it to Ocean View.

Council Member Carmean commented that she is concerned about cost and liability. In the agreement it states that we need to waive all claims, so if one of our officers is in Ocean View and something happens, we cannot recover the cost. Chief Boyden replied that if one of our officers are out of Town assisting the State police we cannot sue the State police – our insurance cover it and Fenwick Island would not hold another town liable. Council Member Carmean noted that is not what the agreement states. Chief Boyden responded that the agreement was reviewed by three Town Solicitors.

Chief McLaughlin commented that liability always exists. As an example, if he is riding through another town and hits a deer, his town is liable and not the other town. In the past, Ocean View has been contacted by Fenwick Island for their K-9 unit for searching for drugs in a car, and if the dog attacks someone, that incident is on Ocean View and not Fenwick Island. Chief Boyden added that is why we have liability insurance. He commented that he will contact the Town's liability insurance prior to signing the agreement to see if there are any issues.

Chief Lovins noted that he is concerned about the safety on Route 1, which is only going to get worse. This agreement would help with any safety issues. Chief McLaughlin commented that this agreement is nothing the Town will be legally bound to and that he is just trying to work together and combine resources. As an example, with any flooding issues in Fenwick Island, he could send a few of his officers to assist. Chief Boyden added that during Hurricane Sandy, he requested additional assistance through the State, however, when the storm hit, the State Police and National Guard were ordered to leave the check points. With this agreement he could contact South Bethany or Ocean View for assistance.

Chief Boyden stated that he receives grant money yearly for pedestrian safety. Per the grant, certain slots need to be filled for extra patrol. This past summer he didn't have enough officers available to fill those slots so he had to return a portion of the grant money. Combining forces and filling those slots with Ocean View and South Bethany officers would allow our Town to keep the grant money.

Council Member Weistling asked if there was a chance that Bethany Beach would also be part of the agreement in the future. Chief Boyden replied that he wasn't sure, but it could be possible that Bethany Beach, or even Selbyville and Dagsboro, could be part of the agreement. He added that fire companies have done this in the past by combining forces. Treasurer Bunting asked why Bethany Beach was never approached. Chief Boyden replied that he wasn't sure since they do not border our Town nor have they shown any interest.

Maureen Hartman, Town Manager of South Bethany, noted that when her town was short-handed, Ocean View and Fenwick Island assisted. The agreement is just a continuation of the original assistance agreement. Chief McLaughlin added that he felt assisting South Bethany was a positive experience and the only difference in that agreement versus this agreement is that each officer would be sworn into the other towns.

Council Member Houser questioned that in the past has Bethany Beach ever come into other towns to assist. Chief Boyden replied yes, but not as common as South Bethany or Selbyville. Chief McLaughlin noted that he works with Bethany Beach and South Bethany quite frequently.

Chief Boyden noted that this is not the first agreement that the Town has ever entered before. Several times a year the Town signs Memos of Agreement with State agencies. He added that he works with Ocean View and South Bethany almost daily.

Adjournment

A MOTION was made by Council Member Houser, seconded by Treasurer Bunting, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 11:45 AM.