



The Town of Fenwick Island

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

REGULAR MEETING OF THE TOWN COUNCIL DECEMBER 6, 2019

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, Building Official Schuchman, Chief Boyden, Public Works Manager Locke, Finance Manager Gary, Town Clerk Martin

Mayor Langan began the meeting at 3:30 PM.

President's Report

Mayor Langan noted at the last Association of Coastal Towns (ACT) Meeting, it was determined that the officers will rotate yearly. Beginning in January, Mayor Langan will be the President of ACT.

For Discussion and Possible Action

Resilient Communities Partnership

Debbie Pfeil made the presentation in regards to the Resilient Community Partnership.

Request for Funding for Economic Valuation Impact Study

Town Manager Tieman noted that the Center for Inland Bays is requesting funding for a study that will measure the economic value of the inland bays based on investment of cleaning up the bays. The total budget for this study is \$53,749.67.

Chris Bason from the Center for Inland Bays added that the study will direct Federal and State impropiators to clean up the water and support water management.

A MOTION was made by Council Member Carmean, seconded by Council Member Houser, to approve the \$2,000 for the study.

Council Member Carmean commented that this is a nice program and will replace the old policy. She added that she prefers the funding to come from Community Outreach instead of the Realty Transfer Tax Reserve.

Secretary Merritt asked who else is contributing to this study. Chris Bason replied that he has requested funding from other coastal towns.

Council Member Weistling questioned how the \$2,000 was determined. Chris Bason replied that it was his decision.

The motion was amended to have the \$2,000 taken out of Community Outreach. The MOTION passed by majority (6-0, with Vice Mayor Mais abstaining).

Request for Funding for Oyster Gardening

Town Manager Tieman noted that the Center for Inland Bays is requesting funding for the Oyster Gardening Program. This program fits in with the recently adopted Sustainability Plan.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to approve the \$1,000 for support of oyster gardening.

Council Member Carmean questioned the costs for the program. Chris Bason replied that he thinks it is around \$20,000, which goes to support the oyster gardeners.

Council Member Carmean again asked for the funding to be taken from Community Outreach instead of the Realty Transfer Tax Reserve.

The MOTION passed by majority (6-0, with Vice Mayor Mais abstaining).

DeIDOT Easement Request

Stewart Magee from DeIDOT presented the request. The flooding at the corner of Route 54 and Route 1 has been a problem and is getting worse, especially with the torrential downpours lately. To help the situation, the drainage pipe will be rerouted and DeIDOT will be tripling the size of the inlet.

Mayor Langan questioned if this easement agreement is just for the road. Mr. Magee replied yes, for under the road. This area is a narrow footprint and doing the project this way is less invasive than going out onto Route 1.

Council Member Weistling asked if extra drains will be added. Mr. Magee replied no, that they are not in the current design.

Secretary Merritt asked what time of year the work will be done. Mr. Magee replied in the off-season.

Council Member Weistling asked if DeIDOT will maintain this easement. Mr. Magee replied yes.

A MOTION was made by Secretary Merritt, seconded by Council Member Carmean, to approve the agreement. The MOTION passed unanimously.

Mutual Assistance Agreement

Town Manager Tieman asked Chief Boyden to present the Mutual Assistance Agreement between the towns of Fenwick Island, Ocean View, and South Bethany.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to postpone discussion and action of this agreement until another time.

Council Member Carmean noted that she is concerned about some issues in the agreement and would like to discuss ramifications with Chief Boyden. Council Member Weistling agreed, adding that he would like for the agreement to be reviewed with Chief Boyden first. Chief Boyden commented that

the agreement has been reviewed by several attorneys and he would be willing to answer any questions now.

The MOTION to postpone the agreement passed unanimously.

Approval of Minutes

A MOTION was made by Treasurer Bunting, seconded by Vice Mayor Mais, to accept the minutes from the October 25, 2019 Regular Council Meeting. The MOTION passed unanimously.

Treasurer's Report

Treasurer Bunting presented the report for period ending October 31, 2019. The Town received additional RTT in October, and the account is currently \$30,800 over what was budgeted for the entire year.

The auditors have finished the audit and will be making their presentation at the January Council Meeting.

A MOTION was made by Council Member Carmean, seconded by Vice Mayor Mais, to accept the Treasurer's Report. The MOTION passed unanimously.

Town Manager's Report

Town Manager Tieman submitted her report.

Department Reports

Building

Building Official Schuchman reported that 9 building permits and 4 business licenses were issued in October. She added that she recently received approval from FEMA to elevate 15 Oyster Bay Drive.

Public Works

Public Works Manager Locke submitted his report.

Police Department

Chief Boyden submitted his report.

Committee Reports

Ad Hoc Commercial District Planning

Vice Mayor Mais reported that the Committee recently met with the consultant to go over the possible design guidelines and possible ordinance changes. The next meeting will be held on January 22, 2020. The final design guidelines and ordinance changes will be presented to Town Council either in January or February.

Beach

Becka McWilliams reported that the Annual Fenwick Freeze will take place on January 1, 2020. Pre-registration will take place on December 23, 24, 30, and 31 at Town Hall. The Beach Committee will be meeting on December 17, 2019 at 9:00 AM.

Business Development

No report.

Dredging

Secretary Merritt reported that the dredging engineer has been working with Freeman engineers. There should be a dredging update by the beginning of January.

Environmental

Mary Ellen Langan reported that she has spoken to Debbie Pfeil who noted that the Town's Sustainability Plan had very few minor changes from the State.

Finance

Vice Mayor Mais reported that the Committee will be meeting in January for discussion of items to be included in the preparation of the budget.

Pedestrian Safety

Council Member Carmean reported that the Committee recently met to review the engineering contracts. The Committee voted to forward the Century Engineering contract to Town Council for approval. The contract has been reviewed by the Town Solicitor and she has made a few suggestions to be added to the contract.

At the meeting, the Committee also reviewed the report received back from Peter Hagg from DeIDOT in regards to crosswalks. The Committee suggested that blinking lights be added to the crosswalk signs and the Bayard Street crosswalk be moved.

Council Member Carmean recently attended a meeting at the Chamber of Commerce for the "Arrive Alive" campaign to be sponsored this upcoming summer by Highway Safety.

A MOTION was made by Council Member Carmean, seconded by Secretary Merritt, to approve the Century Engineering contract with the suggestions made by the Town Solicitor. The MOTION passed unanimously.

Council Member Carmean noted that the total cost of the contract is \$97,234 which will be taken out of the \$250,000 bond bill the Town received. Council Member Weistling commented that he would like to hold off taking any money out of Realty Transfer Tax Reserve, especially since it was mentioned by Senator Hocker that additional money could be received from the Community Transportation Fund.

Planning

No report.

Technology

Mayor Langan noted there were 38,128 unique visitors to the Town's website over the last year. In October, there were 2,278 to the website.

Mayor Langan also noted that there have been warnings issued in regards to using charging stations at airports, with people stealing data while the charging stations are in use.

Charter & Ordinance

No report.

Old Business

None.

New Business

None.

Upcoming Events and Meetings

Mayor Langan confirmed the upcoming events and meetings as stated on the agenda. He added that the next ACT Meeting will be held on January 24, 2020 at 9:00 AM at Town Hall.

Wind Farm

Mayor Langan noted that the Town has been actively communicating with officials in regards to the wind farm and State Park renovations. On November 6th, there was a phone conversation with Shawn Garvin; on November 19th, some ACT Mayors met with Shawn Garvin; on November 21st, ACT met with Governor Carney, who did not take a stand on the project but did say he likes public and private partnerships; on November 25th, ACT sent a letter requesting DNREC to extend the comment and concern deadline; and on December 2nd there was a meeting with Rick Meehan (the Mayor of Ocean City), who does not oppose the wind farms but would like them moved out of site. Mayor Meehan noted that in Virginia Beach, the wind farms will be 33 miles out from the shoreline.

Secretary Merritt read Resolution #100-2019 in regards to the wind farm. A copy of the resolution will be sent to all Federal and State Representatives as well as the Governor.

A MOTION was made by Vice Mayor Mais, seconded by Treasurer Bunting, to approve Resolution #100-2019. The MOTION passed unanimously.

Public Participation

Janice Bortner, 1303 Schulz Road

Ms. Bortner noted that the DNREC/Ørsted project should not be trusted, and the Town needs to say "no" to Ørsted immediately. This project will threaten plant and animal species. Ørsted transmission lines are extremely dangerous. No analysis has been done on the impact to humans or the environment, and the power facilities could possibly be carcinogenic.

Marlene Quinn, 5 W. Houston Street

Ms. Quinn noted that the wind farm resolution should be revised to note that the Council approved the resolution unanimously and not by majority.

Nadia Butler, 7 W. Essex Street

Ms. Butler questioned if details on the Inland Bays projects discussed earlier in the meeting can be found on the Town's website. Town Manager Tieman replied that they will be added to the website next week.

As for the ACT Meeting next week and any future meetings, Ms. Butler asked if they will be advertised. Town Manager Tieman responded that they will be posted on the website.

Ms. Butler is concerned about the beach fencing. The old slat fencing that was buried is being exposed and the deteriorating wood is sticking up. She is concerned about the safety hazard and someone getting hurt on the wires. Town Manager Tieman will contact DNREC for assistance.

Janet Eshbach, 1711 Coastal Highway

Ms. Eschbach thanked the Town Council on the wind farm issue.

Mayor Langan noted that in Representative Gray's newsletter, he encouraged everyone to contact State representatives: Senator Coons, Senator Carper, and Representative Blunt-Rochester.

Tom Brennan, 1612 Coastal Highway

Mr. Brennan questioned if we know who is for and against the wind farms. Mayor Langan stated no.

Mr. Brennan then suggested that a non-profit organization be started against the wind farms since in Nantucket, the non-profit was successful in stopping them.

Rosemary Hoy, 705 Schulz Road

Ms. Hoy noted that she heard back from the Governor's office and his assistant did not give the Governor's position on wind farms. She then asked what else could be done. Mayor Langan replied for everyone to contact Federal lawmakers.

Janice Bortner, 1303 Schulz Road

Ms. Bortner stated that accountability is with the Governor and that a meeting with the Governor and legislators should be scheduled in March.

Mark Tingle, 1605 Coastal Highway

Mr. Tingle noted that Speaker of the House Schwartzkopf only thinks that 15 windmills will be put in. He also heard that the windmills off the coast of Rehoboth Beach will only be 10-12 miles out. Mr. Tingle encouraged everyone to contact Pete Schwartzkopf with all concerns.

Mary Ellen Langan, 5 E. King Street

Ms. Langan commented that she feels the total opposite when it comes to the wind farm. Our planet is dying and the wind farm would provide clean energy.

Richard Robinson, 1211 Schulz Road

Mr. Robinson noted that Chesapeake College took down their wind turbines since they were inefficient. He added that he sent letters to all contacts and the only response he received back was from Pete Schwartzkopf who stated that he has no vote on the project.

Mr. Robinson stated that the project has no focus whatsoever. Also, everyone should have access to the planning of the project since this project is going to affect the environment. He feels that there is nothing wrong with the Town filing a lawsuit.

Faye Horner, 708 Bunting Avenue

Ms. Horner could not attend the meeting held at the Indian River High School but feels that maybe the Town could hire an environmental attorney. Secretary Merritt noted that he heard that in 2018, Ørsted paid a lobbyist \$750,000.

Janice Bortner, 1303 Schulz Road

Ms. Bortner would like to know if the Town could form a committee or have a contact person to coordinate information. Secretary Merritt noted that F.I.S.H. is the organization in Fenwick Island that could be contacted.

Amy Kyle, 1205 Bunting Avenue

Ms. Kyle noted that F.I.S.H. is a membership organization of homeowners active on this issue. Although they are involved and can inform the F.I.S.H. members, F.I.S.H. alone cannot take this on themselves.

She feels the reason for the project approval is that the State Parks wants money from Ørsted. DNREC is not thinking of the environmental impacts. No documentation has been provided on this project other than the posters of the park renovations. She did receive a 2-page fax from Ørsted on the benefits Maryland will receive from the wind farm. BOEM refused to give her any contract information and she feels the Federal government needs to get involved. Secretary Merritt agreed, adding that the State Senators need to also get involved.

Richard Benn, 1306 Bunting Avenue

Mr. Benn thanked Ms. Kyle for her hard work. He agrees that F.I.S.H. cannot undertake this, but possibly the Caesar Rodney Institute would be willing if someone would contact them.

Janice Bortner, 1303 Schulz Road

Ms. Bortner asked the Town Council who they think should be in charge in opposing the wind farm. Mayor Langan replied that everyone should keep doing what they are doing and just keep sending letters. ACT is currently working on this as well.

Richard Robinson, 1211 Schulz Road

Mr. Robinson encouraged everyone to follow-up with letters and emails if they do not receive a response. When they aren't responding to you, they are responding to you.

Mike Quinn, 5 W. Houston Street

Mr. Quinn noted that there is rumor that a former Town of Fenwick Island Mayor is to meet with the Governor in regards to the wind farm.

Adjournment

A MOTION was made by Vice Mayor Mais, seconded by Secretary Merritt, to adjourn the meeting. The MOTION passed unanimously and the meeting adjourned at 5:03 PM.