



Minutes of the Regular Town Council Meeting Monday, March 9, 2015

1. Call Meeting to Order

Mayor Krause called the March 9, 2015 Regular Town Council Meeting to order at 7:04 PM in the upstairs meeting room of the Slaughter Beach Memorial Volunteer Fire Company. Council members present were Mayor Bill Krause, Vice Mayor Amy Parker, Treasurer Jackson Gingrich, Secretary Glenn Stieffenhofer, and Councilperson Kathleen Lock. Community members in attendance are shown on the attached sign-in sheet.

2. Welcome and Announcements

Mayor Krause welcomed everyone to the meeting. He mentioned that we would have several Fire Department representatives at the meeting tonight; Britt Deese will make a short presentation on Knox Box and Bill Tobin and Terry Jester will discuss a recent issue regarding trash. Note: The Fire Department representatives did not attend the meeting therefore there was no presentation/comments tonight.

3. Approval of the March 9, 2105 Regular Town Meeting Agenda

Motion: A motion was made by Amy Parker to approve the March 9, 2015 meeting agenda. Jackson Gingrich seconded the motion. **Motion carried unanimously, 5 – 0.**

4. Approval of the February 17, 2015 Regular Town Meeting Minutes

Motion: A motion was made by Jackson Gingrich to approve the minutes of the February 17, 2015 regular Town Meeting. Kathleen Lock seconded the motion. **Motion carried 4 – 0; Amy Parker abstained since she was not at the February meeting.**

5. Reading of Correspondence

a. PHNWR Press Release on the Breach and Marsh Restoration

Mayor Krause reported that the marsh restoration timetable is moving along. The U.S. Fish and Wildlife Service is seeking public input as it evaluates the restoration project. The environmental assessment (EA) will be available for public review and comment through March 25, 2015. The document is available online at http://www.fws.gov/refuge/prime_hook/ and a hard copy version of the document will also be available at the refuge's headquarters office, 11978 Turkle Pond Road, Milton, DE, and at the Milton Library, 121 Union St, Milton, DE. The refuge will also host an open house March 18 at 7 PM at its headquarters office. The meeting is an opportunity to meet Service staff, learn about the EA, and provide verbal and written comments on the EA. Comments may be submitted at the public meeting or at any time during the comment period by email to northeastplanning@fws.gov (include Prime Hook in the subject line) or by mail to 11978 Turkle Pond Road, Milton, DE 19968.

Mayor Krause read a letter to PHNWR in support of the breach repairs and marsh restoration that was signed by all Council members. The letter of support also requests that the PHNWR consider using the excess silt and marsh mud that has settled in the north end of the Slaughter Beach bayfront for marsh restoration noting that the material came from the marsh and should be ideal for the restoration. Kathleen Lock asked if including this comment would slow down the restoration timeline. Amy Parker said she did not think it would. Mayor Krause urged all residents to individually submit their own letter of support.

b. Phone Call from Resident of Colorado

Mayor Krause reported that he received a phone call from a resident of Colorado. The writer stated that his family used to live in Slaughter Neck and they were going through some old letters and documents and found a hand-written document from 1861 that described the derivation of the name Slaughter Beach.

Mayor Krause said that he will scan the document and have it posted on the Town website and will also contact the Delaware Historical Society to assist with the proper preservation of this historic document. Jackson Gingrich suggested that local historian Dave Kenton might also be interested in the document and should also be contacted.

6. Reports

a. Treasurer

i. Treasurer's Report

Jackson Gingrich submitted a revised Treasurer's Report for January 2015 and then presented the February 1 – 28, 2015 Treasurer's Report, which he stated is a revised, more simplified format. In February 2015, the General Fund had a deposit of \$75.00 and expenses of \$3,716.46 leaving an ending balance of \$27,363.06. The Municipal Street Aid Fund had no deposits and expenses of \$415.03 leaving an ending balance of \$10,930.24. The Realty Transfer Tax Account had deposits and interest totaling \$10,519.76 and no expenses leaving an ending balance (including CD) of \$526,894.91. Summing the above, the Town's total ending cash balance as of January 31, 2015 was \$565,188.21. The FEMA Escrow Account balance is \$73,250.00. The detailed Treasurer's Reports are posted on the Town website under the Town Council tab at <http://slaughterbeach.delaware.gov/town-council/financial-reports/>.

Kathleen Lock asked if we should refund the \$1500.00 back to the General Fund that was used to open the escrow account. Kathleen also asked that the FEMA Escrow Account be separated out from the Town funds on future reports. While we are responsible for the escrowed funds, the current format of the report gives the appearance that they are part of the Towns funds.

Motion: A motion was made by Kathleen Lock to approve the February 1 - 18, 2015 Treasurer Report subject to audit. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.**

ii. Finance Committee – Quarterly Budget Update

Now that we are using QuickBooks, we will do a quarterly budget update beginning in April. For FY16, we will go to a monthly budget that is allocated appropriately across the months that the expenses and income actually occur.

iii. Update on New Town Insurance Policy

We have switched carriers and have increased liability limits from 2M to 3M and lowered the total annual premium by approximately \$600 per year.

b. Building Inspector/Floodplain Manager

The February report from the Building Inspector was not available in time for the meeting.

Amy Parker commented that we have to follow up with Bob Clendaniel regarding getting back to Darlene Messina with information on the CAV. Bob had a meeting with Jeff Shockley and Jeff was supposed to get Bob information for Darlene. Once Darlene has this information, she would like to have a conference call.

c. Tax Collector

The February Tax Collector's Report indicated the beginning bank balance on February 1, 2015 was \$1,048.43. There were deposits \$19.51 and no checks were issued leaving a current bank balance of \$1067.94. The total 2014 tax billing to owners is \$68,495.76 of which \$67,106.97 was received through February 28, 2015. With 2013 overpayments applied to 2014, late fees received, and prior years taxes collected, the total of 2014 tax billings received is \$67,656.02. A \$45.00 adjustment for an uncollectible account leaves the 2014 tax billings receivables balance at \$1,079.66. We also have past due tax billing receivables for prior years in the amount of \$457.63 after an adjustment of \$166.80 for an uncollectible account.

d. Town Street Committee

Jimmy Dalton reported that he called Dean Hazzard to check on the pavilion light project but didn't hear back from him. Amy Parker said that Dean purchased the solar light and plans to install the new light when the weather breaks.

e. Mayoral and Council Updates

i. Report on DNS Meeting

Kathleen Lock, Amy Parker, and Bill McSpadden met with representatives from Delaware Nature Society on February 25, 2015 to discuss the osprey nests. By all accounts, everyone was happy with the discussion and the relationship built with DNS.

ii. Report on Sea Level Rise Meeting

Mayor Krause and Bill McSpadden attended a meeting in Delaware City on March 2nd. At the meeting, Governor Jack Markell highlighted Delaware's success in preparing the state for emerging climate impacts and announced a new Climate Framework for Delaware. The Framework summarizes the work completed in addressing climate impacts and includes recommendations that outline Delaware's future direction for climate action.

In his remarks, Governor Markell highlighted Delaware's significant progress to reduce emissions through investments in energy efficiency, renewable energy, and implementing transportation policy and enhancements. As a result, Delaware has decreased emissions by a greater percentage than any other state in the nation – about 25% from 2008 to 2011 – and increased deployment of solar technology from 2 megawatts in 2008 to 60 MW today. In addition, Governor Markell outlined Delaware's progress in increasing resilience and preparing for climate impacts through a range of

projects, activities and policies including protection of wetlands and shorelines, developing more protective standards for flood plain management and restoring coastal impoundments and dikes along the Delaware River and Bay.

Framework recommendations are available for public comment through May 30, 2015.

iii. Report on Elevation Plan Kickoff Meeting

Kathleen Lock reported that the meeting was with representatives from the Town, DEMA, and Davis, Bowen & Friedel (DB&F); representatives from FEMA and Sussex County Emergency Management were not able to attend. Kathleen, Cynthia Lyons, and Jackson Gingrich attended on behalf of the Town.

The purpose of the meeting was administrative in nature to be sure that we understood the reporting requirements for the grant. We will have to do quarterly reports and will have to send in invoices after we have paid them in order to be reimbursed. Kathleen will work closely with Jackson to do the quarterly reports. The initial kickoff meeting was delayed because it still needed to go through the budget office and input into the financial system for the state of Delaware. Kathleen reported that as of March 3rd, we could begin to incur costs.

DB&F has developed a draft contract, which was sent to Council and to Barrett Edwards for review. The contract will then be sent to DEMA who will forward it to FEMA for their review before it can be executed. The total cost of the fixed price contract with DB & F will be \$49,000.00 and includes structural drawings, sample soil borings, construction management and oversight, and finally deed recordation.

Kathleen requested Council approval to move forward with the contract once it is reviewed and any changes are incorporated. Waiting until the next Council meeting will put us behind on deliverables for the project. Council agreed to allow Kathleen Lock to proceed with the negotiations on the fixed price contract with Davis, Bowen & Friedel, Inc. for professional engineering services in conjunction with the Slaughter Beach Home Elevation Project, subject to incorporating Barrett Edwards comments into the document. Mayor Krause suggested that we put this on the agenda for a formal vote at the Voting Procedures Meeting.

Kathleen will write a sole source justification and we will use the state procurement procedures as a guideline. She anticipates that we should only have bills from the engineering firm and the contractor and they will have to break them down by property for job tracking. We will pay from escrow funds and then immediately apply for refunds from FEMA. Amy Parker asked that when the bills are paid, they should be reflected appropriately by job on the Treasurer's Report.

7. Old Business

a. Grants

i. Wastewater Management Feasibility Study Grant

We are waiting for the final report from Davis, Bowen & Friedel that is due on March 13, 2015. The report will show that a sewer line is feasible but would probably be at a high cost. The engineering firm wanted to put in grinders at every property, but Sussex County is not in favor of that solution and recommends a gravity fed system.

We are dependent on a larger government entity to manage, build, repair, and bill for sewer because we do not have the means or support to do it ourselves. Sussex County has agreed, in theory, to build and manage a sewer system that would be tied into Kent County; fund it; borrow the money; hold the referendum within the Town; apply for grants for low income residents to tie into the system – all positives. The negative is the gravity fed system. All of the costs are up front with the borrowing and construction. The Sussex County model would require building seven pumping stations that would be placed on Town owned streets, which will drive the costs up.

The report from DB&F will give us estimated costs for both the grinder pump model the gravity fed system model and will provide us with next step recommendations. Kathleen will try to get DB&F to the next Council meeting to give a report.

Kathleen stated that there are grants from the USDA small and rural development office that we might be eligible for. They base the cost of water and sewer to not exceed 1.5% of annual income. In the case of Slaughter Beach, the sewer would be about \$600 per year. If we owned the water company it would be \$600 total for water and sewer. Jimmy Dalton asked what it might cost to hook up to the system. Kathleen thought it would be \$1K to \$3K depending on Town income level, and what grants are available. The cost for Kitts Hummock residents was higher because they agreed to pay more because they needed a sewer system quickly. Sussex County would apply for grants for low income residents to cover as much as possible.

ii. Sea Level Rise Grant

Done above with Elevation Plan Kickoff Meeting.

iii. Sussex County Shared Safety Grant

We have exhausted the FY14 grant with the purchase of the solar light for the restroom/pavilion.

Regarding FY15 – Amy Parker suggested that we should have possible uses for the FY15 grant nailed down for the April meeting so we can apply for the grant and have it by May. Some suggested uses were State Police patrols and/or cameras. Amy stated that technically, we should be using the grant funds within 90 days of receiving it. Specifically thinking about several break ins that were recently reported, Amy thought it would good to have State Police presence at least once a week in the winter months. Jimmy Dalton said he received a call from the resident of 485 Bay Avenue because he thought his house was broken into. Both locks at this address were jimmed open but the only thing missing was a jar of change that was estimated to have had about \$50 in it. The residents of 623 Bay Avenue also reported their door was smashed in. Jimmy Dalton commented that in his opinion, every penny of this grant should be spent on State Police patrols, which would hopefully extend into the winter months.

Right now, we are relying on getting information from residents when there is an incident and with a liaison, we would get the information directly from the police. Kathleen Lock agreed to serve as a liaison with Sergeant Kelly Wells, who oversees the burglary section for Sussex County. Kathleen will ask Sgt. Wells if she is able to attend the next Council meeting for a short Q & A and to get their input on the grant use.

It was agreed to postpone the vote until the next meeting so we can consider the input from the State Police.

iv. Sussex County \$10,000 Development Grant

Bill McSpadden reported that he spoke with DNS and they would like an osprey nest. Dawn Cox from DuPont Nature Center has graciously offered to donate a platform we would need additional materials to finish the project that will probably cost about \$50 - \$75. The platform would be installed in the Marvel Tract Salt Marsh by a group of volunteers from the Town, DNS, and the DuPont Nature Center. Ideally, the platform would be installed by April 1st.

Bill McSpadden provided Council with a detailed proposal for the kiosk and interpretive sign project. The area proposed for the kiosk is located immediately between the bathhouse and the pavilion at the Fire Hall. The proposal is for a two-sided kiosk with space for four interpretive panels and would measure 10' long by 7' wide. It would be constructed of pressure-treated lumber and would have a peaked roof; efforts would be made to match the existing shingles on the bathhouse and pavilion. Pavers or some other hard surface will be needed to provide an accessible approach to the kiosk and the placement also includes consideration for access to the sand wash station and pavilion.

The information on the panels will focus on shorebirds (required); horseshoe crabs; diamondback terrapins; habitat timeline; wetlands; land preservation (Prime Hook NWR, Milford Neck State Wildlife Area, Marvel Tract Salt Marsh); Mispillion Harbor Reserve; Delaware Bayshore Initiative; and the history of Slaughter Beach. The Division of Fish and Wildlife (DFW) has contact the Printing and Publishing Office about the design and layout of the panels and is currently awaiting consultation, but initial discussions suggest that the early May deadline is within their capacity. The deadline of early May will be in time for the NWF Backyard Habitat announcement and the return of the shorebirds and visitors.

Rough estimates for the project components are kiosk \$4,500; interpretive panels \$5,000; pavers/patio \$6,00; and landscaping \$2,000. Slaughter Beach's contribution could include the pavers and landscaping totaling approximately \$8,000.

Regarding the balance of the Development Grant funds – Amy Parker reported that Dean Hazzard said the older playground swing set is not grounded well. He is able to remove the unsafe swing set for about \$160 (equipment rental and 3 hours labor). Kathleen Lock said that she would like to use approximately \$800 for the Park benches. We still have \$800 to use in the Park Grant and we could match that with \$800 from this grant to purchase two new park benches. It was suggested that Dean Hazzard should also move the park bench that is behind the tennis court fence to a more user friendly location.

Kathleen Lock will send a letter to Melody Booker detailing the proposed use of funds. Mayor Krause will contact the Fire Department to let them know we are taking down the old swing set for safety reasons.

b. Job Descriptions

The job descriptions for the Town Clerk, Property Maintenance, Grounds Maintenance, and the Building Inspector/Floodplain Administrator positions were previously distributed to and

reviewed by Council. Amy Parker said that she would like to do more work on the Building Inspector/Floodplain Administrator position and meet with Bob Clendaniel before approving it.

Motion: A motion was made by Jackson Gingrich to approve the job descriptions for the Town Clerk, Property Maintenance, and Grounds Maintenance positions. Kathleen Lock seconded the motion. **Motion carried unanimously, 5 – 0.**

Amy Parker thanked Trisha Anne Saunders and credited her for doing much of the work in preparing the job descriptions.

c. Town Newsletter

Amy Parker said that Kathleen Lock agreed to do the formatting on the newsletter again this year and she will also write a piece on the grants. Harry Ward will write something regarding July 4th activities, and Bill McSpadden will provide a piece on the Habitat initiatives. Bill Krause will work with Amy on everything else. Amy said that she would like to eliminate any redundancy throughout the newsletter to be more concise and effective. Amy will also double check with Barrett Edwards to be sure we have included all of the required legal notices.

d. Flood Plain Ordinance (FPO)

We have not received a confirmation letter from FEMA yet and need to know if we are okay for the March 16th deadline. Amy or Bill will contact Greg Williams from DNREC for an update.

e. Memorandum of Understanding with Sussex County (MOU)

Barrett Edwards is working on drafting a Memorandum of Understanding to update and determine the specific responsibilities of the Town and Sussex County as it relates to the BI/FPA, joint CAVs and record retention. Amy Parker stated that we have done one in the past, however, a new more in-depth one is needed to satisfy FEMA.

f. Voting Procedures

Mayor Krause requested a special meeting in March to continue work on the voting procedures. It was agreed to have the meeting on March 20th at 5pm, though we will need to survey the volunteers to ensure their availability. Jane Hargrove Brown, Donna Johnson, Ken Lewis, Brenda Desjardin, and Nancy McNeela have expressed interest in volunteering.

Elections Day, per the Town Charter, is July 4th. Council agrees the polls will be open from 8 AM to Noon.

Kathleen McFadden is already working on the Election Guide using the Town Charter, Ordinances, and Sussex and Delaware guides for direction.

8. New Business

a. Fireworks and/or Summer Festival

Mayor Krause said that he discussed fireworks with Terry Jester. Terry said that the Fire Department had budgeted out the costs a number of years ago - \$30K to \$40K with the barge. The firemen had lost enthusiasm for it because it was difficult to break even with that kind of expense. They are having a big Open House in August and Mayor Krause suggested that we could perhaps help with this event.

Kathleen Lock reported that she had done some independent research on costing of fireworks. She was in contact with several other municipalities and learned that Zambelli was the

pyrotechnics company that does the fireworks for Rehoboth, Ocean City, Bethany, Dewey, and Dover. They plan to meet with Milford and said they would be happy to come down and meet with us and decide if it's possible to shoot from the beach. They said that the largest shell they used in Rehoboth is a 3" shell and the fire marshal is fine with that. If we can't shoot from the beach, the biggest obstacle is the barge. The average cost of a barge is \$20,000 and if she couldn't locate one, they would have to bring one down from Philadelphia.

Zambelli's minimum cost for a July 4th show is \$15,000, which is why Ocean City and Rehoboth are doing fireworks on July 5th. After Zambelli looks at the beach, they can tell us if they think they could get a regular permit.

9. Public Comment

There were no public comments.

10. Upcoming Events

- **Town Committees – Monday, April 13, 2015 at 6 PM**
- **Regular Town Council Meeting – Monday, April 13, 2015 at 7 PM**
- **Special Meeting on Voting Procedures – Friday, March 20, 2015 at 5 PM**
- **PHNWR – Open house on March 19, 2015 at 7 PM at their headquarters office on the Breach EA. This is a public hearing. All written comments in by March 25, 2015.**
- **Beach Grass Planting – Saturday, March 21, 2015 from 9 AM – Noon**
- **Chicken and Dumpling Dinner – Sunday, March 15, 2015 from Noon – 5 PM**

11. Adjournment

Motion: A motion was made by Jackson Gingrich to adjourn the meeting. Amy Parker seconded the motion. **Motion carried unanimously, 5 – 0.** The meeting adjourned at 9:07 PM.

Respectfully submitted,

Glenn Stieffenhofer

**Glenn Stieffenhofer
Secretary**

