## Minutes of the Regular Town Council Meeting

**Monday, August 9, 2021**

1. **Call Meeting to Order**

The meeting was called to order at 7:08pm by Mayor, Kathleen Lock. Council members in attendance were Bob Wood, Ivan Lanier, Larry Meinert and Joanne Plescia. Due to the Covid-19 virus, the meeting was held in person as well as via Zoom link.

Community members in attendance are shown on the attached electronic and paper sign-in sheets. Kathleen Lock, Mayor, acknowledged and thanked everyone for their attendance and support, and requested everyone remain on mute, however, questions asked by those on zoom could be put in the chat and would be addressed at every opportunity with time limitations.

1. **Approval of the July 12, 2021 Town Meeting Minutes**

**Motion:** A motion was made by Bob Wood and seconded by Joanne Plescia to approve the July 12, 2021 Town Council Meeting Minutes. **The motion carried unanimously, 5-0.**

1. **Approval of the August 9, 2021 Meeting Agenda**

**Motion:** A motion was made by Joanne Plescia and seconded by Ivan Lanier to approve the August 9, 2021 Town Council Meeting Agenda. **The motion carried unanimously 5-0.**

1. **Reports:**
2. **Treasurer’s Report:**

Joanne Plescia reviewed the Profit & Loss report, which was available in the room and posted online for all to see. The Treasurer then reviewed the General Ledger/Cash Report, followed by the Profit & Loss report for Grants.

A **Motion** was made to approve the Treasurer’s Report, pending audit, by Bob Wood and seconded by Ivan Lanier.

**The Motion carried unanimously 5-0**

1. **Building Inspector’s Report:**

Bob Wood advised that Bob Clendaniel issued two building permits this month and worked 13.5 hours. The report is attached.

1. **Tax Collector’s Report:**

Joanne Plescia advised no report has been received yet this month so it will be reported next month with the August report.

1. **Town Street Committee**

Jimmy Dalton was not available however the Mayor advised he identified four streets to be upgraded, North and South Delaware, Yerkes and Evans and he is in the process of requesting bids for repairing those streets and we will use the funds Joanne identified from the Municipal Street Aid fund. We have 20 (twenty) access points to the beach and we currently repair four annually so that we are on a five year repair cycle.

1. **Mayoral and Council updates**

Resilient and Sustainable Communities League (RASCL) – Bob Wood advised the groups are basically closed for the summer so there are no updates

Association of Coastal Towns meetings. The Town is invited to attend ACT meetings. There have been no meetings to attend during the summer.

Sussex County Association of Towns (SCAT) – no update

Delaware League of Local Governments (DLLG) – no update

1. **Request to be designated a Sewer District**

The Mayor asked that everyone follow Roberts Rules of Order and advised that Ivan Lanier, Secretary would direct this portion of the Meeting. Ivan introduced himself, thanked everyone for their participation and reiterated the two-minute rule for all speakers, adding that Joanne Plescia will be keeping time and giving all speakers a 30 second warning on their time. He then introduced Kathy McFadden who would call the names out and requested all approach the speaker set on a table so they could be heard in the room and on the zoom.

A list of the speakers is attached.

Bill Tobin – the fire company spent $48,000 on their system and made an Agreement with the Town to allow the public bathrooms to be used on that system. They also pay monthly maintenance and none of that is billed back to the Town. Should a storm destroy their system, both the Town and Fire Company would have no recourse. It was suggested he should use the money to replace the dry well. The fire company put two wells in so they wouldn’t affect household water in Town.

Jeff Dennis – 489 Bay – people that have spent thousands of dollars to build their own new septic should not have to be required to switch to sewer. This would be a financial burden on many in this Town. The residents want to know what kind of system each member on Council is currently using.

Marge White – in favor, have been here for 20 years and every time my kids visit I have to go into the lecture – laundry every other day, no washing the dogs, no tampons in the toilet, etc. I thank the council for taking this on.

Andrea McGhee – not present

Sue Miller – 285 Bay - We live in an environment that needs protection and the priority should be the protection and construction of the dunes. $5000 to decommission functioning systems, 1500 connection fee, for us 2500 to replace destroyed landscaping, in addition to Town, County and State permits as well as an annual fee of 1200. This does not take into consideration those of us with brand new systems tied into our monthly mortgage for decades into the future. Grinder pumps alone can run $10,000 per household – that’s more than a ¼ million dollars that would need to be included in this system.

Cynthia Lyons – 505 Bay, I purchased in SB in 1998 and love it so much we decided to build in 2007. I believe, based on my years here that we are one storm away from losing all of our septic systems. If we wait for a major storm like Sandy, we will be at the mercy of DNREC and their decision on what we will be required to put in, which can be incredibly expensive when faced with all of the difficulties a major storm will have brought to our individual homes.

Fran Bradley – 235 Bay - in favor of getting a sewer system.

Glenn Stieffenhoffer – 511 Bay – I think it’s inevitable that we will be forced to have a sewer system so I am in favor.

Tom Marker – 209 Bay – I believe that we can have a vote by the residents, and it can be done by petition. My concern is how will they get from the sewer line to our homes – I am against trenching but if it’s tunnelling, I’m okay with it.

Ivan Lanier – Thanks Tom, Julie’s taking notes and we will get that to you.

Pam Schaeffer and Cheryl Myers – 106 and 108 Isaacs Shore - we are together, I have a peat system from 2011 and at this time we are inspected every year and my inspector told me that I have to replace all of our peat – basically it’s one pod per bedroom and it’s $1000 per pod to refill the peat; manufacturer advises it be replaced every ten years – plus $1000 to remove the old peat per pod. For us that’s $6000 on top of the original costs and maintenance – we support a sewer system for the Town.

Marie Noblock – 265 Bay – I’ve been a part time resident for about 16 years now. I think the presentation from Council has been excellent and I believe having the funds available now makes it a perfect time to get a sewer system.

Jane Brown – 263 Bay Ave – I think this resolution will have a positive effect on the Town.

Cameron Quinn – 518 Bay Ave – I am likely the youngest voter in this Town and it’s my future that depends on the sewer because without a sewer system, the entire ecosystem that I live on and we all live on, the Marsh, will go buh-bye. Because of all of the waste and waste products animal life will die off, the Marsh will be gone – I don’t know what else to tell you - you will have mounds of, excuse my language, piss and shit in the Bay. Thank you.

Kelly Quinn – 518 Bay Ave – I agree with what has been said, I think it’s more beneficial for the Town for the ecosystem that we take advantage of and we look and see the beauty of it. If we have another flood like we did several years ago, where we have to spend all of our time boiling water because the septic’s overflowed and made all water unusable, everyone would understand and agree that this is the best thing for the Town. I don’t want to spend another holiday boiling water. The money will be available through grants and loans and we need to take advantage of it.

Helen and Mike Cocozello – 453 Bay - My septic is only four years old, but for the environment I think this is a great idea. I’m reading a real estate listing from Millsboro that is getting sewer in two years, it states that at “purchaser’s” expense a holding tank can be put on the property until sewer is available and the cost high. If we do this as a Town now, we are saving ourselves money in the long-term, growing our property values, and saving the environment. I want this to go forward.

Beth Yost – not present

Clare Watkins – 455 Bay Ave – we bought in 2015 and a new septic was put in. Moving to public sewer is best for the environment, increase our property values and lower our expenses over time. We should take advantage and elect to do this instead of waiting until we won’t have a choice.

Patti Masten – 343 Bay Ave – thanks to the Council for changing the webpage and including all of the wastewater reports with many details. Thanks to Sue for her cost analysis and today I still feel I don’t know how much this all will cost us. I look at what I pay in Milford for sewer and I hope that County Council will bring all of us together with Broadkill and other communities to lower these costs. As stated earlier, I would like a referendum

Have a referendum

Steve Masten – 343 Bay – I work in economic development I have found that wherever sewer goes, you have development. While having it here will be of value, what will happen between here and Argos corner and the campground – they will all want to tap in. My concern is we will bear the front-end cost.

Lisa Schneiderman – 379 Bay Ave – I am in favor, have owned since 2016 and while I made improvements to benefit myself, I believe improvements should be made to property as it benefits all in the community. Thinking in terms of being a larger community and how we can help one another, protect our families, our communities, and our future generations. I’d like to acknowledge the research that has been done by Town Council members as well as members of the community that are not in favor of this resolution. Adverse Climate Change is absolutely relevant, you will have to raise your homes if they are sitting on the ground and the septic systems will be overflowing.

Lisa Roddis – 104 Isaacs Shore - No one has peat for replacement and no haulers can be found to remove it! I am in favor of sewer.

Becky Craft – 517 Bay - I’m probably one of the longest residents here as I arrived in ’66 and have been back and forth ever since. A lot of people don’t think sea level rise and climate change has an impact but it does, I remember growing up out here and having so much more beach. The environment is changing. No, this is not an inexpensive system and many have only recently made the purchases so it’s a harsh economic impact. I get it, my husband and I are living on two retirement accounts. That said, right now we have potential funds from the Federal Government, the County is offering to help us, a professional fundraiser who has offered to help and opportunities to apply for grants and the bottom line is it is never going to be cheaper. In the future, if the federal govt, the state or the county come to us and say ‘okay, now you have to do it’ many of us might not be able to – so from an economic and environmental standpoint, I fully support this and thank the Council for their hard work.

Tim Casey – 619 Bay Ave – asked who has seen the Minutes from that June 14th Town Council Meeting because they aren’t up on the website? I have concern about the communication here. Next is in the Q&A it stated it would be wise to send out a simple yes/no to residents to take the temperature of the Town and it states the Council would take that under advisement, have you done anything with that? Another is can available funds be used to assist homeowners with failing septic systems and cesspools? There’s a statement in here that you can use funds to bridge but not in lieu of putting in a new septic and I question why that hasn’t been addressed. And t really would be nice to know how many homeowners, what the ratio of failing septic and cesspool systems is vs newly installed septic to evaluate the value proposition from a financial perspective. And have you had discussion with other beach communities to find out what their plans are and see if a coalition could be formed to lower cost. My big concern is not that I’m against the sewer system but I am against the Council’s position that they are not surveying the community – last time I checked we were a democracy in this country.

Susan Ostrowski – 619 Bay Ave – There seems to be quite a lot of support for as well as some concerns. In follow up to the frequently asked questions, number 13 said will the council take a simple yes or no under advisement will that be addressed? Under #19 are we asking other communities if they are considering a sewer system, what was the outcome of that discussion? And why do we believe we would be short-listed to get a portion of the ARPA funds?

Ivan Lanier – we will be following up if the answers to your questions are not given later. The Mayor received questions in writing and has a list of responses but they will be provided after everyone has had an opportunity to speak during this time.

Bill Krause – 123 Isaacs Shore - I was on the Town Council for about five years a few years back, and about five years ago we started looking at getting a sewer system – at that time, we learned that approximately one third of the septic and cesspools in our Town were failing but there is no oversight or monitoring and homeowners are not forced to upgrade or update until they decide to sell. One fact is for sure, if your septic system hasn’t failed yet, it’s going to, it’s only a question of time. I reside in Isaacs Shore and we all have expensive peat systems but in general I think we are almost all are in favor of going to sewer not just for the environmental advantages it would offer, but the increase in property values. And the other advantage is everyone will get their front yard back. I say yes.

Gary Plescia – 545 Bay Ave – I support this effort for three reasons, the first being sewers are much better for the environment than septic or cesspools. I do understand that the more expensive septic systems are almost equivalent to sewer, but they are not protected from saltwater intrusion. The second one is there are monies available now and that makes this more affordable now than it has been before, or likely could be at anytime in the future. And the third one was when FEMA came in after a storm at Big Stone Beach where most homeowners had cesspools and purchased what was left of the homes and returned that beach to beach. So I’m definitely in favor of sewer.

Laurie Connor – 432 Bay – Today the UN announced the results of their studies on climate change and I invite you to look at that and believe everything is moving more quickly than we previously thought. Now is the time and I appreciate the town council for their efforts.

Mark Huntzinger – 473 Bay – newest resident but I’ve been attending via zoom; I’m an engineer and have worked in sewer systems before. The 2019 engineering report was a feasibility study and two dimensional. I believe more research needs to be done – there are costs not addressed and there are great seasonal flows here with numbers of resident’s vs numbers of tourists. I’m concerned about the environmental impacts of construction. Trenching could be significantly damaging. Make sure the rates are reasonable before making decisions.

Senator Dave Wilson – I’m here to get the input of what the citizens want. I do feel that at some point, you need to look at neighboring towns, when the population changes you will see this happen. I don’t represent DNREC, but I can tell you when the decision is made by DNREC that decision is firm and there won’t be flexibility. I know the money has not been finally approved but I expect it will go through and there are no guarantees, but I am here to listen and represent you so I’ll hang around for a bit after as well.

Chris Mirra – 341 Bay Ave – my grandfather bult that cottage in 1924, it’s a summer cottage, probably used six weeks a year. We don’t use much water, don’t have a washing machine, but I am concerned that we will pay the same as people that have rentals that house 27 people in those two rentals. I think that is incredibly unfair. Somehow it should be based on usage.

Maggie Roth – 285 Bay - This seems like it’s going to happen but the primary thing I want to say is the number one thing I’m hearing people speak to is the environment – we’ve got flooding in the north end and a dune along the south end that’s eroding – what does a sewer matter if all the homes are gone from flooding and loss of dune? To me the dune, the jetty, the inlet – those are environmental issues that should be dealt with. Like the gentleman before me said, I saw 20 some people in that house, last week it was 19 in that house, so is it fair to ask a resident to pay for sewer at the same rate as someone with that kind of usage?

Harry Ward – 443 Bay - This project started in 2014, several Mayors and even Council’s ago when the first grant was done for an engineering study. The next 10-15 years the state is going to be pushing sewer for all the waterfront communities – only Slaughter Beach, Primehook and Broadkill do NOT have sewer. I would prefer to do it now, when we, the Town have some say in the matter. This opportunity to keep costs down while the government is throwing money around will not likely come again. The sewer will improve home values, allow us to use more of our property and it is better for the environment. Existing systems have a life-cycle with ongoing costs. AND this coming from a homeowner who, this year, is about to spend $35,000 on a new septic system this year. I’m for it.

Town Secretary Ivan Lanier thanked everyone for participating and turned the meeting back to the Mayor.

Mayor Lock: I want to read answers to questions that were submitted in writing before this meeting.

1. Can the available funds be used to assist homeowners with failing septic systems or cesspools with the installation of compliant septic systems.

**RESPONSE:** The Town is exploring other uses for ARPA funds, however it should be noted that no one on Council is sponsoring a Bill that would use ARPA funds to replace failing wastewater systems and there is nothing on the Agenda for Council consideration at this time. Some uses we are looking at, as the funds can be used for clean water, we may use them for drainage – we’ll see we have meetings scheduled with DNREC to discuss possibilities.

1. How many homes have cesspools and failing septic systems vs the number of homes with DNREC compliant septic systems?

RESPONSE: The Answer is unknown. The Town does not have the Authority or the funds to inspect wastewater systems. As previously indicated by Bill Krause, several years ago we estimated that the failed systems were about 30%, but we have no way of knowing. The only agency that collects such data is DNREC and they only inspect prior to sale.

1. Have you had discussions with other beach towns and adjoining communities to find out what their plans are, and if a coalition could be formed to lower our costs?

RESPONSE: It would be inappropriate for anyone on Council to approach other communities prior to the upcoming vote. Should Town Council vote to move forward, coordination with other coastal communities will rest with Sussex County but I would anticipate that that would happen.

1. What’s the rush?

RESPONSE: First, there are monies available today for sewer and water infrastructure improvements. On July 22nd Governor Carney signed into law HB200 – it’s a Bill that put 80 million dollars of state funds into clean water infrastructure projects. Our state representative indicated he will ask to be included on the Oversight Committee of the Water Advisory Infrastructure Council which is the Agency overseeing the distribution of those funds. Depending on the outcome of this evening’s vote. Additionally, Sussex County is receiving 45 million dollars in ARPA funds and I believe the State will receive many more millions in ARPA funds. Under the provisions of the Act, these monies can be used for Covid relief, or for water, sewer or broadband infrastructure improvements. Both the state and the county are required to file preliminary spending plans by October 31st. What’s the rush? A hard deadline. Officials are putting together their plans and we, as a Council, would like our needs to be considered. If we do not get on that list, I believe we will not be eligible for those funds.

At this point, I am going to poll each member of Council and ask them to provide their reasons for their vote. Larry Meinert.

LARRY MEINERT: 233 Bay Avenue, I have heard from many of you on this issue and I have tried to keep an open mind throughout this entire process. Obvious concerns about money spent on current systems, the economic pain of several of my neighbors, I recognize and hear what you are saying, but the greater part of my position on the Council is to represent the greater good for the entire community. Of great concern to every one of us is the environment as well as the inevitability of a sewer being brought in at some point, possibly at much greater expense – and having operated in government I am particularly sensitive to our ability to get various grants now, that we may not be able to get later. When I consider all of those factors, and the long-term health of our community, I vote yes for a sewer system.

JOANN PLESCIA my concern is really with the environment and our future. It’s easy to say what I have is good enough for me, why should I care about what happens to someone else, or even this property/town in 10-15 years. I hear the frustration, and I understand that elements of this are divisive, but I believe to operate as a community we must look at what is best for all and vote for the good of the town. Voting for this does not mean we are ignoring other issues like detritus or sand on the beach. We are not ignoring any other topic by pursuing this opportunity, and for those reasons I vote yes for a sewer system.

IVAN LANIER – I’ve been here three years, I have invested in a new septic and it is a tremendous expense for each of us that have paid those monies out, however, to move forward and improve this Town for our future and its future, I am going to vote yes for a sewer system.

BOB WOOD Right now funds are more available than they have been, probably ever. Three years ago when we brought this up to Sussex County we were told that there was no money, and not to bother. Now there is money, and Sussex is interested in working with us to make this happen. That’s another advantage, partnering with Sussex County. A significant point that has not been mentioned is every septic system has a drain field and every drain field drains into the soil … I don’t know long-term what that is doing or even has done to our water supply, or even the Marsh – and right now that Marsh is pristine, there are very few like it in the entire State of Delaware. Another question was housing values, will they go up if we have sewer instead of septic? Every realtor I spoke with said absolutely yes. I spoke to two civil engineers, and they said run, don’t walk, run to get sewer. Right now if you join later into the sewer system it will cost you $6,600 – so if you have land here and want to build in the future that is a significant savings from a $35,000 or even a $25,000 system. And finally, this year the Sussex County budget is $278,000,000 – all of our taxes combined add up to about $75,000 that we contribute to that massive budget – getting on the sewer, contributing to infrastructure will build up our value in the County. We’ve built a good relationship with Sussex County but a partnership goes both ways. All of that considered and I will vote yes for a sewer system.

KATHY LOCK – I ran some numbers, and approximately 20% of respondents spoke against the sewer system and 74% spoke in favor and 2% were unknown coming into this meeting. The emails received prior to this meeting were 14, four were against the rest were in favor and that percentage comes out to be 31% opposed, 69% in favor. I also want to address the question of our holding a referendum – we are up against a deadline so a referendum is unrealistic, however, it is also not binding – as a municipality we are entrusted to vote the will of the majority of our residents. I also want to address that there are no guarantees that we will receive any of the funds – there is only one certainty in my estimation – if we do not ask for the funds, we will definitely not get them. If we don’t have the authority to get in line for the funds, we will absolutely not get any.

if we don’t pass this resolution this evening, we will not be eligible for the funds. We need to provide the Council with authority to speak on behalf of our residents. Should we decide not to move forward we can expect two potential outcomes – the first would be state mandated participation in a centralized sewer system and in my opinion t’s better to be proactive than reactive. If we know it’s coming, we should want to drive the train and not be the caboose. The second possible outcome is what occurred a bit to our north in Big Stone Beach – the State condemned those properties when all the septic systems failed, they bought out the rest and effectively destroyed the town and forced the residents to move inland – that’s a possibility nobody wants, ever from this perspective.

I believe we are one storm away from having every septic/cesspool on this beach fail. I walked the beach personally at Broadkill and if you believe your peat system is impervious, I can tell you I saw a $45,000 peat system that had been lifted from the ground – so it can happen, it did happen.

Finally I want to say in the event of a flood, septic systems and cesspools also flood. They leach harmful bacteria into the groundwater and can potentially infiltrate the drinking water. AS we know, coastal storms are occurring with increasing frequency and are increasingly violent. As a council we must consider actions we can take now to protect the lives and the properties of our residents and homeowners, in my opinion, the question before council is this, “Does this action help to protect the Townspeople?” The only possible answer is yes.

I will now read the Resolution (see attached).

 **A Motion** was made by Joanne Plescia to adopt Resoluntion 21-05 requesting a sewer district be formed by Sussex County and seconded by Bob Wood.

 **The Motion carried 5-0**

1. **Grants and on-going projects**
2. **University of Delaware Hydrology Study** – funded by DEMA – the report has been delayed, we have an executive summary and we will update this next month.
3. **WIIN Project/PEW Charitable Trust** – Waterways Investment and Infrastructure Network – we have asked the Project Administrator to address Council next month and tell us what their findings have been and how we will move forward on an economic assessment of the Mispillion and Cedar Creek Watersheds.
4. **Sea Grant** – University of DE this grant is to fund an oyster larvae nursery. We hope to have this signed to present next month.
5. **Anchor Engineering** QEA, Sussex County Council has funded a research grant to study the detritus on our beach as a potential use for composting chicken waste but that report will not be completed for some time. Anchor asked for an extension from the June 15th deadline because they have not gotten the full report back from the lab advising what makes up the detritus. Should the detritus not have a high salt content, it would be beneficial to the chicken farms as compost for chicken waste – which would be a win-win for all of us. Hoping for an update at the September meeting, however we have allowed up to September 30th.
6. **Sand on the Beach** – Bob Wood, the Committee that we formed including state, federal and fellow towns on the Bay Coast has been coming along but we were not able to get a meeting together during the summer because of schedules. I expect we will have an update in October, if not at the September meeting.
7. **458 Bay Avenue** Court hearing tomorrow.
8. **5G Wireless** – We are watching the problems that Dewey is facing after putting up their towers and waiting to see what the City of Lewes does with their draft Ordinances, but everyone is delayed based on the reaction of citizens in Dewey Beach.
9. **5K** – Julia is working on fund-raising partnerships, advertising and media. Becky Craft is running the Facebook page, the press release has gone out and we are seeking “swag” for our giveaways to the runners – any volunteers would be welcome and thank you to those that have already offered significant help.
10. **Phragmites -** Julia advised many homeowners on the north end of Town have been notified of dried phrags and are working with the Town to remedy by hiring help – we are delaying turning this issue over to the Sussex Constable with his permission, as many cannot get help until August.We would like to remind everyone who have phragmites on their property that we are participating in the Wildfire Reduction Act with the Division of Fish & Wildlife. We continue to apply for grant funding to off-set all costs in participating in this program. Please sign and drop off a completed phragmites eradication contract (on the website under Information, Phragmites Eradication) to the Town office mailbox, 357 Bay Ave, or send it via email to the town manager. Can we all coordinate for landfill for the homeowners to save money for the individual homeowners.
11. **Police Patrols** – Lt Skinner from Lewes, Troop 7 - Joanne Plescia talked with him about speeding and he said for a small street we are doing quite a bit to combat speeding. He suggested we consider more police hours and speed bumps. Council will need to discuss the options and present more details at the next meeting. We could consider a three-way stop or full stops at more of the short street intersections.
12. **ARPA FUNDING** – We are still discussing with DNREC and other state agencies as there are many opportunities but we want to be sure we are transparent and will put everything we find worthy of consideration on the website for residents to review.
13. **Upcoming Events:**
* Town Council Meeting September 13, 2021 at 7pm.
* 5K September 19, 2021
* In October we will also have a report from our Auditor, Sombar.
1. **Open Forum**:
* Jeff Dennis reported he approached Chief Terry Jester about a fire on Harrison Ave from June 2021 that started because of fireworks and burned an area that was 30’ wide and rose to 20’ in the air. Chief said he would be willing to put up signage explaining who can have fires if the Council would get together with him. He further suggested that all rental properties in town have signage about beach fires.
1. **Adjournment:**

**Motion**: A Motion was made by Joanne Plescia to adjourn the Meeting and was seconded by Ivan Lanier at 8:55 pm.

**The Motion passed unanimously, 5-0**