## Minutes of the Regular Town Council Meeting

**Monday, November 8, 2021**

1. **Call Meeting to Order**

The meeting was called to order at 7:03pm by Mayor, Kathleen Lock. Council members in attendance were Joanne Plescia and Larry Meinert in person. Ivan Lanier attended via zoom. 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.

Mayor Lock acknowledged and thanked everyone for their attendance and support, and requested everyone remain on mute, and questions would be addressed at the public portion since we have a lot to get through this evening. Please sign in if you are on the zoom chat with your name and address for our record keeping and note if your spouse is on the zoom with you.

Our two special guests this evening include Tom Sombar from our Auditor, Sombar & Company and Bill Tobin from Memorial Fire Company.

1. **Approval of the October 11, 2021 Town Meeting Minutes**

**Motion:** A motion was made by Larry Meinert and seconded by Joanne Plescia to approve the October 11, 2021 Town Council Meeting Minutes. **The motion carried unanimously, 4-0.**

1. **Approval of the November 8, 2021 Meeting Agenda**

**Motion:** A motion was made by Joanne Plescia and seconded by Larry Meinert to approve the November 8, 2021 Town Council Meeting Agenda. **The motion carried unanimously 4-0.**

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

Tom Sombar of Sombar & Company is here to report on the fiscal year ending June 30, 2021.

The report gives part of the MDNA Analysis which gives an overview of the net assets of the Town on June 30, 2021 compared to June 30 2020. During the meeting, Tom reviewed all expenses, liabilities and income for the Town and made recommendations based on a comparison to previous years as his experience as an Auditor. In spite of having higher expenses the Town is in excellent financial shape but should give consideration to transferring from the savings to the Town funds as needed.

Larry Meinert had a few questions that were addressed by both Tom Sombar and Kathy Lock. Mayor Lock extended her sincere thanks for Tom and his teams’ efforts on our behalf.

1. **Treasurer’s Report**

Joanne Plescia reviewed the Profit and Loss by Grant, Profit and Loss through October 2021, and General Ledger while each was posted for those on the zoom to follow and it was available to those in the room.

A **Motion** was made to approve the Treasurer’s Report pending future audit by Larry Meinert and seconded by Kathy Lock.

**Motion carried unanimously 4-0.**

1. **Building Inspector’s Report:**

Ivan Lanier advised that Bob Clendaniel issued five permits and worked 29.00 hours.

1. **Tax Collector’s Report**:

Kathy Lock shared the Report so that anyone on the zoom call could see it displayed and it was available to those in the room. Tax billing is up approximately $5000 from last year, at least partly due to new homes as well as an increase in trash fees.

1. **Town Street Committee**

Kathy Lock advised that the Town hired a firm to re-gravel four roads, Yerkes, Cohee, North and South Delaware and all work is complete.

1. **Memorial Fire Company Report**

Bill Tobin thanked the Town for their generosity to the Ambulance Service. For the first year since we’ve had paid people in three years, we are up 292 runs – and we’ve handled 297 patients.

The Town’s problem with erosion was dealt with by the volunteer fire department putting cones out at the side streets north of the fire house to prevent anyone from getting close to the dunes where there is a significant drop.

Mr. Tobin has also ordered signage to try out in hopes that it will help deter people from attempting to damage the dunes that have eroded so much already.

The safe that is being donated by the Fire Department to the Historical Society is upstairs in a room that the fire company is allowing the Society to use.

Will be meeting with the Auxiliary Sunday night to discuss doing Santa Claus again and hand out candy which should be a lovely evening and more information on that at the next meeting.

1. **TONY PRATT** – Tony Pratt is on his honeymoon so the Mayor is reading his report; Tony worked with the leadership of the DNREC shoreline and waterway management section during the transition fro Mr. Powell to Mr. Hayden. With a focus on the time schedule for beach nourishment by the state on the critically eroded southern portion of the beach – subsequently DNREC has developed a tentative plan to truck sand to the beach this winter. He discussed prioritization with Mr. Hayden and will continue to keep discussions open.

An email received by the Mayor in follow up as to when we can expect emergency repairs: “I appreciate your patience … I think a meeting is great … and will follow up with available times soon…we have added the southern part of Slaughter Beach …. We are seeking bids now … this is still a short-term management project…”

The Mayor wanted to advise after this email was written we had the storm of October 29th, we have shared pictures of the damage that was done to our dunes with every possible person that could influence DNREC, the State and Army Corps of Engineers including all elected officials at the state and federal level. The focus is accelerating help for Slaughter Beach – we have scarps on the beach that range from a few inches to six feet which is why we have closed the roads south of Slaughter Beach Road and they will remain closed until repairs can be made.

Our next meeting will be November 17th – it was about 110,000 cubic yards we would need (last year it was 3,300 yards that we trucked in). We are hoping for a long-term ten-year plan for storm protection.

1. **Mayoral and Council updates**

Resilient and Sustainable Communities League (RASCL) – There will be a large meeting in December

Association of Coastal Towns, The Mayor attended the steering committee meeting on Friday and we feel good about our relationship with the Mayor’s all with a goal for funding beach replenishment.

We are also in contact with DNREC for damage to the tennis and basketball courts and will go out for bid on that sometime this winter and we believe the State will open a grant for us to apply for that in March.

Sussex County Association of Towns (SCAT) –

Delaware League of Local Governments (DLLG) –

1. **Grants and on-going projects**
2. **University of Delaware Hydrology Study** – There is no final report yet. Hope for a report by Thanksgiving – and the Hydrologist has assured me that he will include data from the October 29th storm that flooded the Town – not quite a “flood” but a higher accumulation than we’ve seen since the study started.
3. **Sea Grant** – Mayor Lock advised that we don’t have an update yet.
4. **Anchor Engineering** QEA, we received a report on the detritus a few hours before the previous Council meeting, we have turned this report over to DNREC Shoreline and Waterway Management Division, US Army Corp of Engineers and all of our elected officials for review. The cost to remove the detritus is between 4-500,000 dollars. We have 5500 cubic yards (275 dump truck loads of peat and other organic material) to be removed. Our potential next step is a grant that Larry and I are hoping to apply for under the WIIN project.

Larry advised there is a connection between saving red knots and horseshoe crabs and cleaning up the detritus which is a hazard to both. We are pursuing this angle in looking for grants and matching funds to assist our next steps.

1. **WIIN Project/PEW Charitable Trust** – this is a study of the watersheds of Cedar Creek and the Mispillion River and their economic benefits to the surrounding areas, which includes setting up oyster farming possibly near the Nature Center. No update.
2. **Sand on the Beach**:

We are meeting with the DNREC shoreline and watershed management guys to brainstorm a path forward on the 17th of November. To give a better understanding to our residents, DNREC has a report that shows a long-term solution under a 10-year plan that would require approximately 110,000 cubic yards of sand to be built not only on our beach but below the high water line so that waves will break out in the water, away from our beach and homes. However, there is no funding for this solution.

To give you an idea of the amount of money we are talking about – we purchased 3300 cubic yards of sand for $75,000 this past year.

The construction and work required for this long-term solution would include permitting from various state and federal agencies and could take up to a year – as a result, while we are pursuing this option and chasing grants and calling every agency we can think of to get the financial help DNREC would need, we are also in conversations for a short term solution so that the homeowners most affected by this last storm can be protected.

1. **458 Bay Avenue –** We were in court today and the family is here. They have been extremely helpful and I would like to invite Rob to talk about what’s been done. Robert Hummel is Mr. Zeller’s nephew and he has worked with the Town to have electric and water completely disconnected.

Mr. Hummel advised that right now they are hoping to have demolition by the end of the week. We are waiting on Macklin Demolition and doing everything possible to move forward and demolish the building. We were not previously aware of the issues and appreciate the Mayor’s assistance in working on this.

1. **5G Wireless** – Question was raised from the audience but individual did not identify himself: “Why can’t we be the road map?” The Mayor advised we have approached Verizon but we found that we are too small for them to deal with at this juncture and unlike larger towns we don’t have staff and full time employees that can create the paperwork and legal documents needed to create the Ordinance required to move forward.
2. **ARPA** – Ivan Lanier has been working with the Governor’s office and has signed the Town up on the shared legal services at a minimal cost to the town, and he is meeting with the assigned law firm that will bring clarity on compliance issues – this firm is under contract to us until 2023 when we are required to expend the funds. The majority of municipalities in Delaware, including Dover, have signed up for this program.

Kathy Lock: again we can use those funds on drainage and infrastructure and we are looking at every option available so that we get the maximum use from the money we are able to access.

1. **Sewer District** – The Mayor reported that Sussex County has advised engineering is in process and we are on track for our notice of intent to apply for funding to USDA and the Clean Water Revolving Fund which is due in January.
2. **Updating the Emergency Operations Plan (EOP)** – We are looking at extreme heat, extreme cold and we want to solidify responsibilities between the fire company and the town. Sussex County has a comprehensive EOP plan and ours will not supersede that – but it’s things like closing off the roads after the October 29th storm, which would be our responsibility alone and evacuation routes/notifications. We will meet with the fire department and formalize the plan in January and hope to have it completed by March 2022.

If you have not signed up for emails, please do slaughterbeachsignup@slaughterbeachde.com – in an extreme weather event please turn on your location on your cell phone. Most have given up landlines. Sign up for “smart911” so emergency management know you want to be notified for an emergency in Slaughter Beach. For public safety purposes turn your location on your cell phone – without which you cannot be located … LAST please be certain your propane tanks are tied down – we are expecting a two-day nor-easter this weekend.

Bill Tobin asked that if you have an emergency – call 911, not the firehouse.

Two things we have gotten to assist in an emergency are 1. We purchased a 5 ton army truck that has a double rail with steps up the back so we can get to you in any emergency but we respond to the 911 call center – we do not take calls for emergencies at the firehouse.

Chris, our facilities manager, lives and works here in Milford and if we have water on the road, he will be running that five-ton vehicle to help with evacuations should someone have not followed orders to leave previously.

If we get snow – the army truck has hydraulics and a shovel so the Town will be cleared by the fire department.

Last, Mr. Tobin advised he spoke with Senator Dave Wilson on the phone earlier in the day and he wished to extend his thank you for your letters and emails that helped him to remain your Senator for Slaughter Beach.

Mayor Lock thanked the Fire Company for smoothing out the entrance from the Pavillion to the Beach and the Town requests that no one try to access the beach from any of the roads south of Slaughter Beach Road.

1. **DelDot Infrastructure Possible Plans** We waited two days for DelDdot for the barriers, so thank you again to the fire company for closing off the side streets south of the firehouse. Thank you to the fire company for closing those roads!

Kathy Lock: I just want to add, DNREC doesn’t have a permit to rebuild the beach below the high tide line – that permit will take approximately one year to get. They are applying for that permit within the next few months as they have to go through several state and federal agencies.

1. **Copperthwaite Property and Easement Discussion/Vote**

Morgan Copperthwaite: our intention is to combine two lots and build a house in the middle.

Larry Meinert – are you planning for pedestrian access on either side of the property once you have your single house built? Question is based on the current zoning map for the two properties.

Morgan, I would deny a request for pedestrian access because there is none even now showing on the plans – what you see is access agreed upon by the previous owners with DNREC. Also Bob Clendaniel said this was a mute point because this was just an agreement between the owners and DNREC.

Larry Meinert: If the HOA can provide the Town with a written letter that states the HOA does not recognize a need for pedestrian access from the street to the beach, or even from the center of the lots (as shown in the original Maps with DNREC) – this will allow us to review with our attorney and guarantee we have no liability as a Town should something come up down the road.

Morgan – So we need to have a written letter from our HOA and submit a formal letter to the Town?

Larry Meinert – Yes.

1. DelDot – Replacement of the Cedar Creek Bridge

Larry Meinert – DelDot will be replacing the bridge over Cedar Creek – on the zoom we are showing a photo of the “lift bridge” with the updated house next to it. This will be done over a period of twelve months – this does not involve the Town at all except that it will affect our residents as DelDot will be closing the road/bridge to complete the work.

Related to this, Cedar Creek Road floods quite a few times a year – Larry Meinert met with DelDot and they have agreed to raise the road in the area west of Cedar Creek Bridge where flooding historically takes place which will allow us easier travel when we have heavy rains and rising water in that area. We don’t know when DelDot will do the work, or how high they will raise the road but we expect more information within the year.

Kathy – https://de.gov/slaughterbeachbridge – on their website to vote on the color options.

1. **Update on Redistricting**

Ivan Lanier – As Bill Tobin said we will remain in the same Legislative District and our thanks to the Town residents and Council for testifying, letter writing and emailing our elected officials.

1. **Upcoming Events:**

* Town Council Meeting December 13, 2021 – depending on how Covid-19 is spreading in our area, we may move to Zoom only for this meeting.

1. **Open Forum Discussion**:

Question in the room – not identified; Who is buying the sand for the southern part of Slaughter Beach and is there a demarcation line? DNREC – the Town is trying everything possible to see if we can get money from the County or federal government to help DNREC get the maximum amount possible to help us get the most money for the project.

Since DNREC doesn’t have a permit to put sand further out than the high tide line, we will only be allowed to work on the beach based on the amount DNREC is able to provide.

Sharon on zoom asked a similar question which was answered.

Stephanie from 203 Bay Ave: how was the decision made last year to stop sand replenishment just north of our home? Kathy Lock – that decision is made by DNREC at the time, and as the Mayor I wasn’t advised that they didn’t continue to the end of the beach.

Why did they have to stop at the gate when some homes are not in CBRA? Kathy Lock – as I understand it, DNREC has an easement up to the first two or three houses inside the gated community (lands of Calvin Clendaniel). The decision is ultimately a DNREC call. The CBRA zone, Coastal Resources Act – federal money cannot be spent on those properties.

Stephanie: DNREC – who would we need to talk to make sure DNREC doesn’t miss our address again? Kathy Lock – it could be that DNREC felt your area didn’t need as much – you would need to speak to any one of us on the Town Council while it’s happening, we can do nothing after the fact.

Jordan: 201 Bay Avenue, I would like to re-emphasize that we didn’t get sand and now we have ZERO sand so we would seriously appreciate you asking them to begin the spreading from the south end first.

Stephanie: Could we have a liaison from the town council monitoring this process? The Mayor advised she was down there four or five times a day to monitor the work that was being done.

IVAN Lanier – Maybe we could have a briefing with DNREC so we have a footprint and we can then alleviate some of these concerns.

Kaki Pasquale, 101 in the gated community – when we purchased we looked into the details – we are not in the CBRA area and we are under the impression that we would be able to benefit from work done on the beach through DNREC. I did email the council a while back and never heard back. We only purchased in 2015 and have been able to get insurance. If someone could look into this, we would appreciate it. We would theoretically be 199 Bay Ave if we didn’t become part of the gated community.

Russel Reece: What is the detritus you are speaking about? Kathy Lock: on the north end of the beach from Beach Plum to the Town boundary there is a great deal of an organic material that is a biological material that is peat which we refer to as Detritus which has washed up over many years and in some places it is four feet deep.

Krys Sipple: Can we rebuild stairs that were damaged? Kathy Lock: Last time we brought in sand, we asked that people remove their stairs in order to build out the sand. DNREC advised several residents did not remove their stairs. Rebuilding the stairs is a matter of DNREC review. Should the sand arrive and stairs have not been removed, we will request that they rip those stairs out in order to fulfill their guideline requirements.

Glenn: Please if you are online, sign in so we can track who you are, your street address and name so we have your full details.

1. **Adjournment:**

**Motion**: A Motion was made by Larry Meinert to adjourn the Meeting and was seconded by Joanne Plescia at 9:08 pm.

**The Motion passed unanimously, 4-0**