## Minutes of the Regular Town Council Meeting

**Monday, December 13, 2021**

1. **Call Meeting to Order**

After some technical zoom difficulties, the meeting was called to order at 7:06pm by Mayor, Kathleen Lock. Council members in attendance were Joanne Plescia, Bob Wood and Ivan Lanier in person and Larry Meinert 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 guests this evening include Bill Tobin from Memorial Fire Company and Tony Pratt our Consultant

1. **Approval of the November 8, 2021 Town Meeting Minutes**

**Motion:** A motion was made by Joanne Plescia and seconded by Ivan Lanier to approve the November 8, 2021 Town Council Meeting Minutes. **The motion carried unanimously, 5-0.**

1. **Approval of the December 13, 2021 Meeting Agenda**

**Motion:** A motion was made by Ivan Lanier and seconded by Joanne Plescia to approve the December 13, 2021 Town Council Meeting Agenda. **The motion carried unanimously 5-0.**

1. **Reading of Correspondence:**
2. The Mayor read a letter from Jesse Hayden, Administrator, Division of Watershed Stewardship, Shoreline & Waterway Management Section at DNREC, dated December 10, 2021, reference beach re-nourishment Press Release. This is attached.
3. A letter from Terry Deputy, Division Director, DNREC Division of Watershed Stewardship confirming their meeting on November 17th outlining the short and long-term plans for beach replenishment. A copy of the letter is attached.
4. Joanne Plescia read a letter from a previous Mayor, Harry Ward, expressing appreciation to the Mayor and Council for their work in getting 458 Bay Avenue demolished and cleaned up, also attached.
5. Letter from Comcast advising there will be a rate increase, dated Nov 18, 2021 – attached.
6. We were invited by Todd Lawson to attend Caroling on the Circle, Dec 6th but it was rescheduled to this evening, so none of us could attend.
7. Milford Conversations Group – a group of business people in Milford that meet monthly.
8. A briefing from US Wind – the wind farm company licensed by the State of Maryland to build a wind farm off the coast of Ocean City and as far north as Fenwick Island and the electricity generated will be shared with Delaware.

**QUESTION:** Billy Debary, 377 Bay Avenue, asked why Slaughter Beach hasn’t considered putting a wind farm out in the Bay and power every home here? Mayor Lock - that decision that is not made at the local level.

1. **Reports:**
2. **Consultant, Tony Pratt:**

Tony, with the Mayor and Council, informed DNREC that Slaughter Beach is in critical need of emergency beach nourishment. Project is expected to start in January, and we will likely be after the other two that were approved before we got added.

We had a meeting with Terry Deputy, Division Director and Jesse Hayden the new Director and through a steady line of communication they have agreed to not look at Slaughter as one unit, and instead they will treat the eroding areas as individual units which is a favorable outlook.

Tony also reached out to the Army Corps of Engineers and has been told that they have been approved to carry out the Section 1-11 which looks at the Mispillion inlet and the jetty’s – detritus/down-drift accumulation and wave impacts. Tony will continue to make sure they look at the broader picture to benefit Slaughter Beach. Further John Kane is continuing his work on WRDA (from Senator Carper’s office) and that plan should be very helpful to our Bay communities.

1. **Bob Clendaniel, reporting on FEMA Report**

Mayor Lock read out the letter she received via certified mail stating the Flood Insurance Rate Map for our community has been revised and a Letter of Map Revision (LOMR) was enclosed. This is attached.

Bob advised they have added a designation to the AE and VE which is what we usually see when we are applying for flood insurance. LiMWA – Limit of Moderate Wave Action. This designation is a “buffer” or transition zone which is meant to show where the VE and AE zones may transition in terms of wave action.

Most properties in Slaughter Beach have both zones, the AE zone building code being less restrictive. The LiMWA is meant to show where the wave action in the VE zone is calculated to transition from about 3’ to the 18” in the AE zone.

– this new line will show the transition from the 3’ to the 18” heights. FEMA is recommending, but not requiring, that we look at this area as possibly requiring more stringent construction requirements in that area.

The LiMWA will likely affect residents on their insurance rates, so this is something all residents should be aware of.

WE ARE REQUIRED TO ADVISE THE COMMUNITY OF THIS CHANGE IN DESIGNATION.

**Tim Casey** asked about the timing of the study. Bob Clendaniel advised the study is completed and took place over several years prior to this publication, dated November 30, 2021. Map changes will be available online.

1. **Building Inspector’s Report:**

Kathy Lock advised that Bob Clendaniel worked 27.5 hours and issued nine building permits; 2 were for new single family residences.

1. **Bill Tobin – Memorial Fire Company Report**

Mr. Tobin advised that Memorial Fire Company held their elections last Tuesday and Jonathan Masten is still the President, Ken Glasgow is now Vice President, Mike Fluffenhouser is the Secretary and Bill Tobin is Treasurer again. Walt Reynolds was elected Chief and new officers take over in January 2022.

Slaughter Beach Fire Department is looking at moving Santa Claus next year to 2pm instead of 7pm as we had this year. Chumm Hitchens and gave SBFD $500 to off-set the expense for that event this year.

The engine room has a new A/C system – SBFD spent about $40,000 and is not going to put equipment back in there, so if the Town wants to use it for larger meetings or events, it’s available to you.

SBFD is looking at building another property at the location on Slaughter Beach Road as they have overnight facilities for only one person. They also need storage for the second ambulance they expect to purchase.

Mr. Tobin thanked the Town for everything we have done for them this year!

SBFD will take delivery of a new 33’ boat in January 2022. They plan to sell the current boat.

The number of calls on the water have been increasing steadily.

1. **Treasurer’s Report & Tax Collector’s Report**

Joanne Plescia reviewed the Reconciliation Detail, Profit and Loss by Grant, and General Ledger through the end of November 2021. For taxes collected, we are in good shape and Council will be making calls to try to bring outstanding taxes up to date. All referenced materials are attached.

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

**Motion carried unanimously 5-0.**

1. **Town Street Committee**

Jimmy Dalton advised that all four access roads that were re-graveled this year are in good condition.

1. **Mayoral and Council updates**

Resilient and Sustainable Communities League (RASCL) – Bob Wood advised that the last meeting was their Annual Meeting with a topic “All About the Money” and they identified available grants.

Sussex County Association of Towns (SCAT) – Kathy Lock reported that the group updated attendees on what the Legislature will be reviewing when they reconvene in January, including legalization of marijuana and paid family leave.

Delaware League of Local Governments (DLLG) – no report.

Alliance of Coastal Towns – this group is comprised of Delaware’s seven Atlantic coastal towns. It was reported that Rehoboth, Dewey and Fenwick are due for beach replenishment in 2022 but they are still waiting to hear from the US Army Corps of Engineers if they’ve been funded. Fenwick was scheduled for replenishment in 2021 but they were not given funding because USACE advised it was not in critical need, however, in the Agreement between the State and USACE, “condition” was not a consideration to doing the work.

1. **Grants and on-going projects**
2. **Basketball and Tennis Courts** on Slaughter Beach – there is a grant we are hoping to apply for resurfacing both of these by March 2022. We have been in touch with DNREC Parks & Rec as well.
3. **University of Delaware Hydrology Study** – the Mayor read out a letter of apology from Thomas McKenna, the coordinator, advising he is close to finalizing his report and it will include data from the October storm. No final report yet …
4. **Sea Grant, University of Delaware** – Mayor Lock advised that we are scheduled to see the operation of the oyster larvae nursery in Lewes on Dec 22, 2021.
5. **Anchor Engineering** (Detritus) - We are scheduling a meeting with DNREC around the second week in January – as reported last month we sent the full report to DNREC for review; there is a grant opportunity with the Delaware Estuary through the DE Bayshore Initiative that we plan to apply for in April 2022 and the award will come out in September – we believe we will be able to get funds and we are looking for secondary “match” funding in the State to pursue this clean up.
6. **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.
7. **Sand on the Beach** – covered under “correspondence”.
8. **458 Bay Avenue** –completed/demolished.
9. **5G Wireless** –On hold until other coastal towns decide on the best way to move forward.
10. **ARPA** – Ivan Lanier – there was a webinar today sharing the do’s, don’ts, and compliance methods to use. Mr. Lanier sent a message to the law firm representing municipalities in the State and asked for a FAQ sheet that can be uploaded to the town website. The US Treasury Department, DOT, put out new compliance requirements – funds must be allocated by 2024, and the firm would be happy to come to a meeting and address any questions we have. Question: Tim Casey – Copy of the Grant Requirements? Reply – will follow up during the week.
11. **Sewer District** – The Mayor reported that Sussex County Engineering Department will send a “Notice of Intent” to the State Clean Water Revolving Fund as well as the Department of Agriculture in January requesting funding for the sewer district.
12. **Updating the Emergency Operations Plan (EOP)** – Joanne Plescia reported that she is attending training webinars so we can learn what we are doing or not doing to meet current needs – and looking at what other towns have done. We are reviewing a multi-jurisdictional hazard mitigation plan and we will be updating the resident’s as we work with the fire department and continue our trainings.

If you have not signed up for emails, please do at slaughterbeachsignup@slaughterbeachde.com – in an extreme weather event please turn on “location” on your cell phone. Sign up for “smart911” so emergency management know you want to be notified for an emergency in Slaughter Beach. LAST please be certain your propane tanks are tied down.

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

The request is to combine two lots into one without including the current “easement” that is shown between the two lots. This easement begins at the middle of the lot and was designed to decrease wear and tear on the dune by “sharing” one beach access. The easement was not shown to go to the street for public access. The HOA has sent a letter (read out and attached) advising same and asked that the combined lot, without a public access be approved.

Larry Meinert: There are people on the Marsh side of the HOA without access to the beach “inside” the gated community. Bill Krause responded – homeowners on the Bay side own the waterfront in the same way it operates on Bay Avenue in the Town proper. There is a right of way at Simpson Avenue just outside the gates and when the HOA was presented with possibly buying property, it was not approved. Ivan Lanier – just to confirm, if you purchase on the Marsh side you must go outside the community to a public street. Joanne Plescia – so Bill, when is a “purchaser” advised that this is the case by the HOA? Bill Krause – the HOA clearly states there is no public access inside the community and any/all buyers are made aware of this before a purchase is made. Larry Meinert – so does that mean the HOA is taking responsibility for any potential future complaints in regards to this issue? Bill Krause and Linda White – yes. Kathy Lock – I would like the record to reflect that at this time, there is not an access to the beach for any property owners on the Marsh side of Isaacs Shore Drive and there never has been. The easement we can see on the plat for the Copperthwaite property clearly shows it was never a public access issue, and the HOA is not going to address this topic at this time.

Larry Meinert: So, the HOA is taking responsibility for any potential future complaints from purchasers on the Marsh side of Isaacs Shore Drive? Bill Krause and Linda White: Yes!

A **Motion** was made to approve the combined lots in the Isaacs Shore Community, by Joanne Plescia and seconded by Kathy Lock.

The **Motion carried 3-2.**

Ivan Lanier – I don’t have a problem with combining the lots, but the town attorney needs to look at this so we are not held liable in the near future.

Bob Wood – the few houses on the Marsh side should have access without walking outside a gate.

Joanne Plescia – I went and looked at the property and maps and believe that this is legal, while it may not be entirely reasonable, and as long as potential buyers on the Marsh side are being informed before purchase, I don’t have a problem with it. Buyer beware.

Kathy Lock – that sums up my vote as well.

Linda White – I believe the Town approved the survey of Southern Pointe Shores in 2006 and we have had several lots combined from two into one under the authority of Sussex County, and in this situation the HOA accepts the combining of the lots and is asking the Town to respect the HOA’s Authority in Southern Pointe Shores.

1. **DelDot** – Repair the Culvert

Mayor Lock read a letter that said work would likely start after Thanksgiving – and that hasn’t happened. In addition they are looking at raising a section of road on Cedar Beach. If temperatures aren’t conducive this Fall, DelDOT will move the work to the Spring. To repair the culvert they will have to close the road, the other work however, will not require a road closure.

We will keep residents and the Milford school district apprised of plans to close Bay Avenue.

1. **New Business:**
   1. Parking Ordinance - There was a trailer with a boat parked on an access road for more than one night and this goes against our current Ordinance. Overnight parking of trailers, tractors, RVs, and other large vehicles is not allowed on access roads inside the Town and in the time it took for the letter to be sent by Ivan Lanier with a returned receipt, the trailer was moved.

We have asked the Town attorney to work on how we can ticket vehicles or otherwise have a faster reaction time when the Ordinances are disregarded.

* 1. Security Cameras – Gary Plescia received approval in April to pursue the purchase of a new system so we can drop the Town’s costs of internet for each camera (there are seven), currently at almost $700 a month. The new system will cost approximately $1200 in total.
  2. The Town was approached by Community Bank to open an account with them and we are considering moving money from M&T to Community Bank as they are offering better services.

A **Motion** was made by Joanne Plescia to open an account at Community Bank and seconded by Bob Wood.

The **Motion carried 5-0.**

1. **Upcoming Events:**

* Town Council Meeting January 10, 2022 at 7pm – depending on how Covid-19 is spreading in our area, we may move to Zoom only for this meeting.
* Bob Wood - beach grass is on order for the Town.
* Ivan Lanier is on the calendar for Congresswoman Blunt-Rochester for her to visit and see our beach and all damage in hopes of getting federal assistance.
* Larry Meinert – we have a resident in Town with contacts in Philly at the Port Authority that funded the Broadkill replenishment – that resident is reaching out to see if we can get assistance for sand on the beach.

1. **Open Forum Discussion**:

Questions on zoom – Tim Casey, what about the sewers, Gary K – what is detritus?; Julia G – I will send you that information via email.

Patty Masten – will DNREC plant beach grass after the sand is delivered like they did last year? Bob Wood – we don’t know yet.

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 Joanne Plescia to adjourn the Meeting and was seconded by Bob Wood at 8:50 pm.

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