

Charter and Ordinance Review Committee
Meeting Minutes
November 17, 2011

The Bethany Beach Charter and Ordinance Review Committee held a meeting on Thursday, November 17, 2011 at 2:00 p.m. in the Town Meeting Room.

Members present: Chuck Peterson, Chairman, who presided; Fulton Loppatto; Lonny Moore; Mary Sue Forestieri; Bruce Frye; and Mike Boswell.

Excused members: Lonny Moore

Also present: Councilperson, Lew Killmer; Building Inspector, Susan Frederick; Administrative Secretary, Lindsey Good.

Call to Order

Mr. Peterson called the meeting to order at 2:00 p.m.

Approval of Agenda

Ms. Forestieri made a motion to approve the agenda. Mr. Loppatto seconded that motion and it was unanimously approved.

Approval of Minutes from September 16, 2010 Meeting

Mr. Loppatto made a motion to approve the minutes dated September 16, 2010. Seconded by Mr. Boswell, the motion was unanimously approved.

Weekend Building Permit/Business License Enforcement

Mr. Peterson explained that he created a document regarding Weekend Building Permits and Business License Enforcement. The document is as follows:

On several occasion, members of CORC were approached by neighbors and asked questions about the rules concerning construction on weekends. They were complaining about painting, roofing, landscaping, and small remodeling jobs that were going on in their neighborhoods on Saturdays and Sundays. In order to get an idea of the scope of this issue, I took a bike ride on three successive weekend in the communities off of Rte 26. Based on what I could see, there were 3 or 4 unmarked commercial trucks in these areas with individuals doing work. If these neighborhoods are representative, the numbers in all of Bethany Beach would be about three times that number.

Based on conversations with the individuals who came to us as well as some of the homeowners who were having work done, it seems that some smaller contractors know that we don't do any site inspections on the weekends and are intentionally doing some jobs then to avoid Town fees and oversight. This conclusion comes from the fact that none of these contractors was advertising their company with truck or yard signs, homeowners admitted being quoted a lower weekend cash price, that some jobs were

divided up to be done on several weekends with no weekday work, and several nervous homeowners tried to convince me that the people working on their homes were unpaid relatives.

What CORC needs to decide is if this is a big enough problem to bring to the attention of Town Council. There is work going on when it is prohibited but are we losing significant money on building permits and business licenses? Should we be concerned? Do we want to do more research on the issue? Do we need to make a recommendation to do some weekend coverage?

Ms. Frederick questioned Mr. Peterson if he is referring to work being done more on Saturdays or Sundays.

Mr. Peterson replied that he has noticed work being done more on Saturday than Sunday. He added for three weekends on a row, there were workers doing work on Sixth Street to avoid obtaining a Building Permit.

Ms. Frederick noted that some of these contractors may have obtained a Building Permit from Maryland.

Mr. Loppatto argued that he is aware of a few contractors that were doing work who did not have the required permit.

Mr. Peterson emphasized that some contractors were doing electric and pipeline work on the weekend.

Mr. Loppatto stated that he believes it is stated in the Code that the Police Officers are responsible for patrolling and enforcing building permits.

Mr. Peterson acknowledged that there is usually a complaint made by a homeowner about the contractors doing work before it is enforced that they obtain a permit.

Ms. Frederick said that the permit must be visibly posted. The Code Enforcement Office has been continuously reminding contractors to post their permits.

Ms. Frederick mentioned that she hasn't received many complaints regarding contractors working on weekends without a permit, but she has received calls that a permit is not posted. She added that she is concerned if pipeline work is being done on weekends without a permit.

Mr. Boswell recommended that, in able to maintain the Town's budget and to keep costs down, the Police Department be on patrol for contractors working on the weekends without a Building Permit. He also made a suggestion that it

Mr. Killmer suggested that the Public Works trash pick-up employees could also keep an eye out for contractors that are not permitted to do work.

Mr. Boswell questioned if the Town assigns building permit license numbers to each applicant.

Ms. Frederick replied that license numbers are not assigned.

Mr. Boswell made another suggestion to include a building permit notice of contractor requirements with the rental agreement mail-outs to residents.

Mr. Peterson proposed that he will meet with the Town Manager, Cliff Gravier, to discuss Police Officers enforcing the regulation of Building Permits.

Review of Next Year's Projects

Mr. Peterson stated that at the last Committee meeting, a number of projects were proposed. He added that he just finished reviewing the Code, and there has not been many issues brought to the Committee.

Mr. Peterson emphasized that in terms of reviewing ideas, Committee members should inquire potential problems during discussions with resources, such as neighbors or friends.

The Committee members expressed the following concerns and recommendations to the Committee:

- Mr. Boswell emphasized concern that the Town is being responsible for the expense of pavement work on driveways. Mr. Peterson explained that \$200,000 is allocated by the Town for paving services, and the Town engineer determines which areas need to be paved the most. Mr. Peterson is going to review the billing method for pavement of surfaces.
- Mr. Boswell is concerned with the recycling/trash bins not being properly placed and remaining in the yards of vacant homes. Mr. Peterson responded that Mr. Gravier and the Town Council are currently reviewing this issue to determine how to resolve it.
- Mr. Boswell questioned if the Commercial trash pick-up is scheduled for twice a week, and if these residents pay more for this service. Mr. Peterson explained that it a separate trash truck is used and there is a higher expense for this service.
- Mr. Boswell stated that motorized vehicles park in the bike only parking spaces, and asked why this is permitted. Mr. Peterson responded that they are not permitted to be parked there, but this issue needs to be more strongly enforced by Police Officers. He will address this concern with Mr. Gravier.
- Mr. Peterson advised that the issue of utility trailers parking in driveways needs to be enforced by the Police Department, as he has seen a couple of them parked on the West Side of Route 1. He is going to discuss this matter with Mr. Gravier.
- Mr. Frye asked if the Police Officers are permitted to park on private property while patrolling. Mr. Peterson commented that he has also seen their vehicles parked in driveways and business parking lots on Route 26 while on patrol.
- Ms. Forestieri questioned who enforces the ordinance of animals, such as stray cats, in the Town. Mr. Killmer explained that the Sussex County Government now controls this issue.

Motion to Adjourn

Mr. Boswell made a motion to adjourn the meeting. Seconded by Mr. Loppatto, the motion was unanimously approved.

The meeting was adjourned at 2:38 p.m.

A meeting in January will be scheduled.

Respectfully Submitted:

Lindsey Good
Assistant Town Clerk