

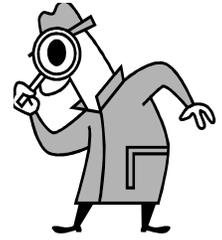


## Newsletter Highlights

- **Get Out and Vote (Election Information) - Pages 2 and 3**
- **North Pennsylvania Tidal Flooding and Storm Water Flooding Update - Page 5**
- **Company Proposes to Run Electric Cable through Bethany Beach - Page 5**
- **New Regulations to Obtain Rental Licenses - Page 7**
- **Mediacom Survey Enclosed**

Bethany Beach

August 2009



TOWN OF BETHANY BEACH

# BETHANY BEACH NEWS - AUGUST 2009

## From the Mayor's Office

Hello, I hope you are enjoying summer! As the summer season winds down and we approach another municipal election, I encourage all of you to vote either in person or by absentee ballot. You will have received information by now via a separate mailing outlining voting procedures, candidates and referendum questions and that information is duplicated in this newsletter. Please take the time to get to know who is running for your Town Council and the issues that will be presented in the non-binding referendum that will be on the ballot this year.

This spring the Town received a beach replenishment of 300,000 cubic yards of sand to help restore the beach from the damage we received in last year's significant late spring storm. The replenishment was not completed until the middle of June and to date, we have been spared damaging storms, so for the first time in some time we are enjoying a beautiful wide beach season.

The Town has received many complaints about our beach crossovers and we have had an ongoing dialog with the Delaware Department of Natural Resources (DNREC) regarding their construction of the crossovers since the initial Army Corps beach replenishment. DNREC is solely responsible for construction and maintenance. The Town is not happy about the constant maintenance crossovers require and the fact they are extremely hard to traverse. I have personally had conversations with DNREC officials to voice our Town's concerns and have been promised that DNREC will commit

the necessary resources to improve these beach access points as soon as they can. They promise to use a different material for the crossovers and tell us this material will create a more usable and durable crossover. We are monitoring this closely and will continue to seek prompt resolution of our concerns.

In our last newsletter I assured the community that your Council, Budget Committee and Town Staff have its eye on the ball in these troubling economic times and are working to make sure that Bethany Beach continues to maintain a stable and strong fiscal foundation. To that end, during our budget development, Town staff was further reduced to 32 employees down from 39 in 2007 representing an 18% decrease and the budget that was presented and adopted by the Town Council this year is 8.2% less than the fiscal 2007 budget!

One of the tasks I have discovered this year while serving as Mayor is that the position brings with it the responsibility for "rumor control". I'm truly amazed in a community as small as ours where citizen questions are answered as soon as they are asked of Council or Staff that rumors can sometimes take on a life of their own. A case in point was a public workshop that the Council held this past May/June where concepts for the develop-

ment of a park on the Church/Neff Parcel were reviewed by Council. The Town Manager presented various concepts and also spoke to the Council about the need to create some supplemental storage for the Town's water system. The Town Manager also mentioned that a review of potential sites for this water storage by the Town's engineers had listed the Church/Neff parcel as the most suitable location. There was more discussion and it was decided if additional water storage in the form of an overhead storage tank were necessary that multiple public hearings would be necessary to review the need for the tank and where it would be located. Since that time, Town staff has decided to explore another alternative for supplemental storage and there has been no further Council action or discussion regarding the issue. Nevertheless within days, the story was being told that the Town Council was having secret meetings, making secret decisions and that a final decision had been made without any public review to not only construct a water tower but to place it in the northwest corner of the Church Neff property! It was further stated that a decision had been made to pave the entire property and turn it into a parking lot.

(Continued on page 2)

Continued

Since the promulgation of the rumor, I have attended meetings where concerned citizens asked about this rumor and they were quickly told the facts. It is unfortunate that some have found it more entertaining to tell the "rumor" rather than the facts! In short, if you have questions, please feel free to contact a Council member or Staff person. We are always happy to answer your questions.

Please enjoy the remaining days of summer and be sure to vote during our upcoming election!

*Sincerely,*

*Tony McClenny, Mayor*

\*\*\*\*\*

Seconds Count

In an Emergency

The Town of Bethany Beach has recently upgraded its emergency notification system. The Town is now using the CodeRED Emergency Notification System and it is an ultra high-speed telephone communication service for emergency notifications and the distribution of information considered to be important.

This system allows us to telephone all or targeted areas of the Town in case of an emergency situation that requires immediate action, such as an evacuation, contaminated water, hazardous chemical spill, etc. This system is capable of dialing the entire Town within minutes. It then delivers a pre-recorded message describing the situations to a live person or an answering machine in the affected area, possibly including instructions requiring immediate action on the part of the recipient.

While a calling data base was created by extracting information from the Town's computerized files and other public record sources, it is certain that not all phone numbers of residents and residential and business property owners within our incorporated limits were captured.

If you reside or own property within the incorporated limits of Bethany Beach and would like to receive CodeRED emergency messages you may sign up at the town's website.

[www.townofbethanybeach.com](http://www.townofbethanybeach.com)

Should you at anytime desire to be removed from the calling list you may do so by calling the Bethany Beach Police Department at 302-539-1000.

**PUBLIC NOTICE OF ANNUAL MUNICIPAL ELECTION TO BE HELD ON SATURDAY, SEPTEMBER 12, 2009, FROM 12:00 NOON TO 6:00 P.M. EASTERN DAYLIGHT'S SAVINGS TIME IN THE TOWN MEETING ROOM, 214 GARFIELD PARKWAY, BETHANY BEACH, DELAWARE.**

Notice is hereby given to all qualified voters of the Town of Bethany Beach, Delaware that the Annual Municipal Election will be held in said Town on Saturday, September 12, 2009, from 12:00 Noon until 6:00 p.m. eastern daylight savings time, in the Town Meeting Room, 214 Garfield Parkway, Bethany Beach, Delaware.

Three (3) Town Council Members shall be elected. There are four (4) candidates. The candidates are:

*Joe Bellistri (resident)*

*Jerry Dorfman (resident)*

*Joseph Healy (non-resident)*

*Carol Olmstead (resident)*

At least four (4) of the seven (7) members of the Town Council must be residents of the Town, but all may be residents of the Town. Town Council terms are for a period of two years.

At said Annual Municipal Election, every person, male or female, who has attained eighteen (18) years of age, is registered under the Town's Voter Registration ordinances, and is either: (a) a freeholder in the Town, as defined herein, for a period of ninety (90) consecutive days immediately preceding the date of the election, or (b) has been a permanent, full-time resident of the Town for at least six (6) months prior to the date of the election in which he or she seeks to vote. For purposes of this Charter: (i) a "freeholder" shall be deemed to include any natural person who holds title of record to a fee simple, estate or a life estate, in and to real property located within the Town boundaries: (ii) a "resident" shall mean any person who has been a permanent, full-time resident of the Town for at least six (6) months prior to the date of the election.

Bethany Beach property owners who are listed on the Town's property tax list are not required to register to vote in Town elections.

Residents of Bethany Beach (who do not own property) must register to vote at least thirty days prior to the election. Residents may register at Town Hall or request a mailed registration form by telephone, mail or by email.

All votes shall be offered in person, or by absentee ballot. If an elector cannot appear at the regular polling place the day of the election, he/she may appear at Town Hall or contact Town Hall and request an Affidavit. Affidavits are also available on the Town's website at [www.townofbethanybeach.com](http://www.townofbethanybeach.com). The written affidavit must be filed no later than 12:00 Noon on Friday, September 11, 2009. After approval of the Affidavit, an absentee ballot will be provided to you either in person or mailed. Absentee ballots must be received before the polls close on the day of the election. No voter shall vote for more candidates than there are offices to be filled at the election. Voting machines will be used on the day of the election. **(See following page for referendum questions to be included on ballot.)**

**In addition to this year’s Town Council Election, two non-binding referendum questions will be included on the ballot as follows:**

BALLOT

NON-BINDING REFERENDUM QUESTIONS:

Under Section 24.4.5 of the Bethany Beach Municipal Charter, the Town Council may, on its own initiative, hold an election to obtain the opinion of the qualified voters on any subject which the Council has under consideration.

These two proposals are independent of each other. You may vote in favor of one, both, or neither. The results of this non-binding referendum question will be considered by the Town Council.

The Town Council is considering two proposals to amend the Town Charter:

#1. Proposal #1 would extend the term of office for a council member from two years to three years. Every third year, three council seats will be up for election and in each of the two intervening years, two council seats will be up for election.

Proposal #1: Extending Council Terms of Office From Two Years to Three Years:

\_\_\_\_\_ FOR THE PROPOSAL

\_\_\_\_\_ AGAINST THE PROPOSAL



#2. Proposal #2 would limit the number of *consecutive* years a citizen could serve on the Town Council to six. Filling an unexpired term would not be counted toward the six year limit unless more than one-half of the unexpired term remained at the time the vacancy was filled.

Proposal #2: Establishing a Six-Consecutive-Year Limit For Serving On Council:

\_\_\_\_\_ FOR THE PROPOSAL

\_\_\_\_\_ AGAINST THE PROPOSAL



## Communications Committee Report



The Communications Committee has met five times since September.

Consistent with the Committee's Purpose Statement approved by Council, the Committee has made over 25 recommendations to the Town Manager related to keeping the town website current. Most have been implemented. In addition, the committee established a separate ad hoc committee to focus on keeping pictures on the website current.

In March, the committee provided Council with recommendations related to obtaining citizen input by surveys. Council unanimously approved the "white paper". A separate ad hoc committee was then established as a resource in the area of survey development and processing.

In June, consistent with its Purpose Statement, the Committee provided Council with its summary of current communications practices and recommendations in the format approved by Council in March. At the June Council meeting a Council member moved that the Communications Committee Report (Practices and Recommendations) be approved. The motion was defeated in a split vote.

The Committee has ten members and all participate. Any citizen is welcome to attend or to provide input or to ask to become a committee member. Minutes of Committee meetings are posted on the town website.

*Submitted by:*

*Tracy Mulligan, Chairman*

*Communications Committee*

\*\*\*\*\*

## Cultural and Historic Affairs Committee Update

Once again this Summer, the Bethany Beach Museum will be open to the public on Sunday afternoons from 12:00noon until 3:00pm during July and August and including the Labor Day weekend. Docents will be on duty to answer questions about the Museum during these times. These summer hours are in addition to the regular daily hours 8:30 – 4:30 when Town Hall is open.

The Commemorative Wall depicting the names of Bethany Beach elected officials since 1923 to the present has been installed on the wall facing the main entrance to the Town Hall. This wall is being sponsored by CHAC and will be a welcome addition to both the Town Hall and the Museum.

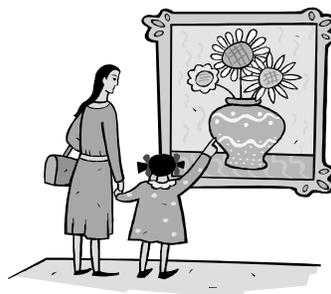
Six new historical markers will be installed this season, four of them on the boardwalk identifying the previous locations of places "gone but not forgotten". We are always glad to be informed of homes in town that may qualify for a marker. Currently pre-1930 construction is the requirement. Sometimes renovations that mimic the original building may be considered with documentation. Consideration is also given if a building has historical significance for the town other than age.

We always welcome new members to our committee. If you would like to participate with our many and various projects please call or e-mail Town Hall indicating your interest .

*Submitted by:*

*Carol Olmstead, Chair*

*Cultural and Historical Affairs Committee*



## Beach Patrol News

Happy summer! So far 2009 has brought fun, excitement, and relaxation to the residents and visitors of Bethany Beach. It's great to see so many people enjoying the sand and the surf once again this summer. As you, your family, and your friends look to enjoy everything Bethany Beach has to offer please be sure to keep in mind a few of our safety tips.

Drink plenty of water before and during your visits to the beach. Some of the heat related emergencies that we see out on the beach are a result of dehydration. Be sure to drink plenty of fluids such as water or Gatorade so that you can replace the fluids your body loses out in the heat. Keep in mind that drinks such as soda and coffee can actually dehydrate you.

Know the water conditions by viewing the information boards on the back of the lifeguard stands or by asking your nearest lifeguard. Playing in the surf is what brings many people to the beach. In fact, riding waves and tumbling in the surf is half the fun. As fun as it is, it can be dangerous depending on the surf conditions. Try to avoid riding waves straight into the beach as the waves that crash in shallow water, close to the shoreline (a condition known as shore-break), can cause shoulder injuries and possibly head, neck, and back injuries.

Another surf condition to be aware of are rip currents. Rip currents are channels of water that move away from shore pulling a swimmer out to deeper water. If you feel that you are caught in a "Rip" escape by swimming parallel to the shoreline, then into the beach. Lifeguards are trained to recognize rip currents and will come into the water to assist those in need. Rips range in size and strength and can suck out even the strongest swimmers. For your safety, be aware of the conditions each day and pay attention to the directions of the lifeguards.

The Bethany Beach lifeguards look forward to seeing you and serving you throughout the rest of the summer. If you ever need assistance on the beach just look to one of our outstanding lifeguards. Enjoy!

*Submitted by:*

*Joe Donnelly*

*Beach Patrol Captain*

## Company Proposes to Run Electric Supply Cable through Bethany Beach

In recent months the town of Bethany Beach has been contacted by the Bluewater Wind Company, a subsidiary of the Australian Investment Firm of Babcock and Brown, regarding the installation of underground cables in Bethany Beach carrying electricity from their proposed megawatt wind park in the Atlantic off the Delaware Coast. Bluewater Wind has proposed that these cables come ashore under the beachfront in the area of Garfield Parkway, continue under the Town's boardwalk proceed down Garfield Parkway to Kent Avenue, and proceed south on Kent Avenue to the Delmarva Power Substation located near the Cat Hill development on Kent Avenue.

Bluewater Wind has made a similar proposal to the community of Middlesex Beach (running cable from the Atlantic Ocean through Middlesex Beach is the most direct route to the Delmarva Power Substation) and the proposal has been met with mixed reaction by that community. Subsequently the Company is making a similar request of our Town.

Underground cable(s) from the proposed wind farm(s) will support wind farms that will be capable of generating between 250 to 450 mega watts of electricity.

On July 17<sup>th</sup>, representatives from Bluewater Wind made a presentation to concerned citizens at a Public Meeting in the Bethany Beach Town Hall. The presentation was met by some questions and concerns but was generally well received. The Town is waiting for more particulars on this project from the Bluewater Wind Company and when received will solicit more public input on this important issue.

## North Pennsylvania Tidal Flooding and Storm Water Flooding Update.

Flooding on North Pennsylvania Avenue has always been a problem, but it became the Town's problem when it accepted Pennsylvania Avenue as a Town owned street from the State of Delaware in 1977. Since that time the Town has looked at a variety of possible fixes to the two fold problem of storm water flooding and tidal flooding on North Pennsylvania Avenue. Engineering solutions and prices have been sought for a variety of fixes and the only solution that has ever been offered as being mildly effective to remove a modest amount of storm water from the street costs almost 2 million dollars and has no impact on the tidal flooding that floods the streets so badly and prevents storm water from draining. Many residents over many years and many citizen committees along with extensive review by engineers from a variety of fields have failed to find a solution to the problem of flooding on North Pennsylvania Avenue.

The Town in fact has spent a great deal of money trying to find a solution to the two fold problem, of storm water flooding and tidal flooding on North Pennsylvania Avenue. Several years ago it seemed that utilizing a technology that employed an inflatable dam located somewhere along the Loop Canal would stop the tidal flooding. After extensive study by hydrological engineers, it was determined the dam would increase flooding for those living on the west side of the dam and the concept had to be scrapped.

Ocean outfalls, once a solution to this type of flooding, are astronomically expensive and in today's world are seldom permitted because of environmental concerns and are not practical when faced with an apparent unending source of tidal waters from the Atlantic Ocean via the Indian River Inlet and Bay. A 10 foot diameter wet well with a large pump station and generator to be constructed where Centennial Park is currently located was considered, but the realization that forcing water into the loop canal during tidal flooding would flood properties surrounding the loop. With those facts and

construction issues, the project was scuttled.

A few years ago the Town commissioned its engineer to design a storm water drainage piping system to replace the drainage pipes and basins that are currently on Pennsylvania Avenue. This project would simply replace drain pipes and basins from Garfield Pkwy to 5<sup>th</sup> Street and would be capable of moving 1 ½ to 2 inches of rain fall from the street in a 24 hour period; if there was no rise in tidal waters in the loop canal. Council and staff were astounded when engineers estimated a price for this project of 2 million dollars with the realization that the real cause of serious flooding on North Pennsylvania Avenue, tidal flooding, would not be helped by the project at all.

The Town then began to seek financial assistance from both State and Federal programs to help offset that 2 million dollar cost. In addition, the Town asked the State's Congressional delegation for further assistance and has recently been told that the U.S. Army Corp of Engineers has committed \$100,000 to study the tidal flooding problem and determine if there is an engineering solution that might allow the Army Corp to develop and construct that solution as a Corp Project. We are hopeful that the Army Corp can develop a solution to the problem and that the expense of any future project could be shared between Bethany Beach, and the State and Federal Governments.



## MEDIACOM SURVEY

The Town's existing franchise agreement for cable service with Mediacom is due to expire on November 21, 2012. It is a 15 year agreement originated in 1997. It is not too early to explore renewal/non-renewal of the franchise because the federal statute governing the renewal process allows the process to begin 36 months prior to the expiration of the franchise agreement. For that reason the Town Council agreed to poll the town residents/property owners who use Mediacom to obtain their comments on Mediacom and its service. The survey will give us some facts upon which to enter discussions with Mediacom. It should be noted that it is hard to change cable companies and we cannot be sure if another provider is interested in the franchise. However, the survey might help in improving a new agreement with Mediacom, were we to continue with them.

Enclosed in this newsletter is the survey. Its content is substantially based on a survey sent out by the town of South Bethany regarding its service with Mediacom. Their survey is back and they have met with Mediacom to discuss it. No decision or action has been taken on their part as yet.

The survey has been reviewed by the ad hoc survey committee which has been established by the Communications Committee. Their changes have been incorporated in the survey.

*Submitted by:*

*Councilman Jack Gordon*

**Please take the time to fill out the enclosed survey and return it to Town Hall (postage pre-paid) no later than September 30, 2009. Your time and attention to this is appreciated.**

## 4th of July Parade Photos



## **Self-Certification Safety Checklist Requirement For Obtaining A Rental License**

For a rental license to be issued or renewed by the Town of Bethany Beach, compliance to the following minimal safety related items must be certified and notarized by the property owner or rental agent to be in place and be in good working order in each rental property/unit. The Town of Bethany Beach will notarize this certificate free of charge.

### **Why Is This Necessary?**

This is to mandate minimal safety standards for those property owners that rent their homes to individuals and families on a year-round basis as well as those who rent vacation properties in Bethany Beach. A Certificate of Occupancy insures that a property meets or exceeds the Town's building code requirements. Significant upgrades to the Town's building codes have been made over the years and many older properties while "grandfathered" may not meet current safety related building code requirements. This attempts to better insure that rental properties have minimal safety related items in place before the Town issues a rental license.

### **What Items Are Included In the Self-Certification Process?**

#### **• Battery Operated Smoke Detectors**

A minimum of one battery operated smoke detector shall be placed on each level of the structure and one smoke detector shall be placed in each bedroom/sleeping quarters. The owner of the property or the property rental agent shall install fresh alkaline energy batteries in each smoke detector at the time of the application for the issuance or the renewal of a rental license.

#### **• Exterior Doors**

All exterior doors equipped with a deadbolt lockset must easily be opened from the inside without the use of a key.

#### **• Ground Fault Circuit Interrupter (GFCI)**

GFCI protection is required for all outdoor receptacles, bathroom receptacles, garage wall outlets, kitchen receptacles and all receptacles in crawl spaces.

#### **• House Address Numbers**

Address numbers must be a minimum of four (4) inches high and be clearly visible from the street.

#### **• Window Locks**

Secure locks are required for all windows within twelve (12) feet of grade and for second story windows accessible by fire escapes or stairs.

Each one of these items is not a new requirement but is a current requirement in the Town's Zoning Code. Older rental properties built before many of these safety requirements were made into law are "grandfathered" and therefore may not comply with one or more of the safety standards.

Almost all of the rental and property management companies in Bethany Beach have been given an opportunity to review the proposal. All agreed that the proposal was a good idea and noted that a great majority of their rental properties currently fully comply with the listed safety requirements. The Bethany Beach Volunteer Fire Company also supports the proposal.

This was adopted by Council to provide safer rental properties for those who live and vacation in our wonderful beach community. In attempting to heighten safety standards, the Town wanted to minimize as much as possible any negative financial impact on the owners of rental properties. It has been determined that in the "worst case scenario" in which a rental property needs to have everyone of the safety related items to be installed to be in full compliance with this proposed ordinance, the cost including installation would be less than \$1000.00. The Town did not wish to follow the process used by other communities by charging rental property owners an annual fee for the Town to conduct an annual inspection of all rental properties.

If you have any questions regarding these requirements, please contact the Building and Code Enforcement Department at 302-539-8780.

\*\*\*\*\*

## **Glowing Audit Report Received**

Chairman of the Audit Committee, Mr. Don Doyle, explained at the July Council meeting that it is always a pleasure to provide the audit report because the Town always does so well.

The Audit Committee met with outside auditor, TGM Group, recently to review their final report on a review of annual statements for the fiscal year 2009. The Town received an "unqualified opinion", which is the highest rating a Town can get.

The managing partner of TGM also took the time to compliment the Town on its overall financial management and how it had anticipated and made overall decisions to allow for the current economic environment, unlike many other Towns that they audit.

A copy of the complete audit report is available by calling Town Hall.

**Town of Bethany Beach**

214 Garfield Parkway  
P.O. Box 109  
Bethany Beach, DE

We welcome your comments and suggestions. Feel free to contact us either by telephone (302-537-3771) or email ([admin@townofbethanybeach.com](mailto:admin@townofbethanybeach.com)).



A special thank you is offered to all of those individuals who contributed to this issue of the Bethany Beach Newsletter!



*One of the  
Quiet Resorts*



**Tony McClenny, Mayor**

**Carol A. Olmstead, Vice-Mayor**

**Jack Gordon, Secretary/Treasurer**

**Joseph T. Healy, Council member**

**Lew Killmer, Council member**

**J. Robert Parsons, Council member**

**Margaret Young, Council member**

\*\*\*\*\*

**Clifford M. Gravier, Town Manager**

\*\*\*\*\*

**Lisa A. Kail, Administrative Assistant/Town Clerk**

\*\*\*\*\*

**Ralph J. Mitchell, Public Safety Director**

\*\*\*\*\*

**Michael D. Redmon, Chief of Police**