



## **PRESIDENT'S MESSAGE**

Your all-volunteer Board of Directors has been actively working to fulfill the purposes set forth in BBLA's Bylaws. One purpose is to "collect and disseminate information" of interest to our members. This Newsletter is an example, as is BBLA's website. Another purpose is to present the views of the members to government entities and the public. In the Newsletter, you will see several examples and there are others on the website. While the Board cannot present the individual views of our over 1100 members on every topic, the Board values and considers all opinions in determining an appropriate course of action.

Yet another purpose is to preserve the historic character of Bethany Beach. Among other things, our effort is reflected in the publication of the widely disseminated "Walk Through History" booklet and support for a Town museum. Work in progress includes monitoring issues of interest to our members and review of our donation policy to guide the Board in implementing BBLA's purpose to support worthwhile charitable and civic organizations and activities in our community. Board members have also worked to improve BBLA's long-term efficiency. That work includes developing an electronic member survey capability, upgrading the website, and placing the member data base on a more secure, professionally managed server with backup.

So, you can see, there's a lot going on and there's more to do. If you would like to volunteer to help in areas that interest you, or have any ideas on how BBLA might be improved for the good of our members and community, please contact me by e-mail at [www.bbla.com](http://www.bbla.com).

All the best to everyone,  
Tracy Mulligan

## **IN MEMORIAM: FORMER BBLA PRESIDENT MIKE HORNE**

Former BBLA President Mike Horne, who died on January 15, 2016, is fondly remembered by all who knew and worked with him in Bethany Beach, especially members of BBLA Board of Directors. Mike served the community and BBLA members as a volunteer for over ten years as a member of the Board, Vice President and President. As President, Mike led the Association in improving services to our members and advocating for homeowner and community interests in preserving the quality of Bethany Beach as a family community. He also served as a member of the Town Audit Committee. He will be greatly missed as a colleague with a wealth of knowledge and experience who was always willing to help whenever needed, but missed mostly as a good friend. The Board of Directors, in accordance with BBLA's Bylaws confirmed that Vice President Tracy Mulligan will serve as President until the annual membership meeting in June.

## **ANNUAL MEETING**

BBLA's annual membership meeting will be held this year on Saturday, June 18 at the South Coastal Library, beginning at 10:00 a.m. Last year, our guest speaker was Senator Caper. This year, we plan to have a guest speaker focus on inland flooding and beach conditions. All BBLA members are invited to attend. The meeting will be open to the public. A short business meeting for reports to the membership, consideration of possible changes to BBLA's Bylaws, and election of officers and Board members will be held after we hear from our guest speaker. Everyone who has paid membership dues for 2016 is eligible to vote in this election and is also eligible to serve as an officer or a Board member. Please plan on attending. We look forward to seeing you on June 18.

## **BEACH CONDITIONS AND REPLENISHMENT**

Beach conditions are improving since the damaging storms in October 2015 and January 2016. As favorable winds and tides move sand back onto the beach from an offshore sandbar created by the storms, the Delaware Department of Natural Resources and Environmental Control (DNREC) has been moving some of that sand to restore the protective dunes and improve public access to the beach. As of the issuance date of this newsletter, the beach is accessible from Oceanview Parkway, Cedarwood Street, Campbell Place and the south side of the boardwalk plaza. The Town plans to build steps for remaining access locations south of Campbell Place and, as more sand washes ashore, DNREC will use it to recreate access ramps from Central Avenue to the north side of Town.

The Town Manager has reported that the Movies On the Beach and bonfires scheduled for the summer, and even fireworks on the 4<sup>th</sup> of July, will depend on the width of the beach and, of course, weather conditions at the time of the planned events. It is possible that movies may be shown in the bandstand area. All to be announced later.

Bethany Beach is already scheduled for replenishment in 2017. However, Senator Carper is leading an effort by the Delaware Congressional delegation to obtain funding to add Bethany Beach to the replenishment project scheduled for Rehoboth and Dewey Beach later this year. As described in BBLA's booklet, "A Walk Through History," at page 17, Bethany Beach has had several beach replenishments going back at least as far as 1961. The first federal-state project in 2008 created the protective dune system that has served the Town well in storms since then.

## **STORM EMERGENCY RELIEF FUND**

As previously reported, the Council voted on July 17, 2015, to establish a Storm Emergency Relief Fund (SERF) and made a start in allocating revenue for the fund. Initially, the building permit and impact fees and transfer tax from the new hotel, approximately \$640,000, was allocated. At the same meeting, the Council also agreed that the fund should be protected/reserved for use in storm emergency situations. Use for any other emergency contingency will require approval by a super majority of five Council members. The BBLA Board had earlier recommended creation of such a reserve for storm emergencies and provided a number of suggestions for sources of funding when the matter was considered by the Council at a public Workshop in February 2015. The Board's letter dated February 13, 2015, is posted on BBLA's website.

On March 18, 2016, the Council amended the Town's Fund Balance Policy Statement to formally establish SERF as follows:

The Storm Emergency Relief Fund (SERF) was created as part of the FY 2017 budget to accumulate funds to be used to aid the town in recovering from a hurricane, nor'easter or other storm event. Use of these funds [is] restricted to debris cleanup, repair of infrastructure such as the boardwalk, replacement of equipment, and operating expenses that are needed as a result of revenue lost in the aftermath of a storm. Accessing the SERF reserve requires approval from a Supermajority defined as at least five of seven Town Council members.

At the same meeting, the Council provided significant additional sources of revenue for SERF. (See Budget article below.) As indicated in the policy statement, the permitted uses for SERF are limited. The fund is not intended to cover the costs of beach replenishment and dune repair. Delaware's ocean beaches are part of the Corps of Engineers 50-year replenishment project. For now, 65% of such work is paid by the Federal government and the 35% local share of the cost is currently paid by the State.

### **TOWN BUDGET APPROVED**

On March 18, 2016, the Town Council approved a budget for Fiscal Year 2017, which began on April 1. The budget includes \$9 million in revenue; \$7.4 million in operating costs; and \$1.5 million in capital projects and debt repayment, including the water tower bonds.

The budget also provides for three tax increases, all of which will be used to build the Storm Emergency Relief Fund (SERF). First, the property tax rate will increase from 17.5 cents to 18.5 cents per \$100 of assessed value, effective on May 1, 2016. Second, the tax rate for commercial rentals (such as hotel rooms) subject to the State accommodation tax will increase from 3.0% to 3.25%, effective with reservations made on and after May 1, 2016. Third, the residential rental tax rate will increase from 6% to 7% for rental contracts after September 1, 2016. It is currently estimated that the tax increases will generate approximately \$122,000 for SERF in FY 2017 and \$284,000 a year in subsequent years.

By letter and presentation at the March 18 Council meeting, the BBLA Board supported the balanced tax approach described, with residents, renters and hotel guests sharing the burden of building the SERF reserve. The Board also recommended a Fall effective date for the rental tax increase rather than May 1 (as initially considered), because of the adverse disruptive effect the earlier date would have on the realtor businesses in Town.

### **DINKER COTTAGE MOVE CHALLENGED**

As previously reported, the Council voted unanimously on January 15, 2016, to accept the offer of the Edgar family to donate the locally historic Dinker Cottage to the Town, with statements in favor of converting the house into the Town museum. The Council also voted unanimously to move the house from its present location on Garfield Parkway to a nearby undeveloped Town property identified as Maryland Avenue Extended, contingent upon completion of a legal process in the Town Charter.

By letter dated January 14, 2016, the BBLA Board strongly supported acceptance of the Edgar family offer and use of the Dinker Cottage as a museum, consistent with BBLA's "long-standing commitment to the preservation and recordation of the history of Bethany Beach." The Board did not take any position regarding the location issue.

Subsequently, on March 10, 2016, the owners of three properties in the vicinity of the Maryland Avenue property, filed a complaint in the Delaware Chancery Court essentially alleging, among other things, that the decision to move the Dinker Cottage to Maryland Avenue was illegal. The Town filed an answer to the complaint, on or about April 1, 2016, contesting the controversial allegations and related claims. (Chancery Court Case No. 12096-VCG)

On March 18, 2016, in accordance with a requisite legal process in the Town Charter, the Council adopted a "Resolution to Close Access, As Necessary, to the Maryland Avenue Extension," essentially deciding that the Town no longer intended to use the property as a street.

In the court case, the issues were narrowed in a stipulation by the parties and order entered by the court on April 20, 2016. Apparently, the main issues remaining are whether the Town, by approving the relocation of the Dinker Cottage to Maryland Avenue, violated the Bethany Beach Comprehensive Plan, Town Charter and zoning requirements, and Title 22 of the Delaware Code governing municipal zoning requirements. There is also an issue concerning responsibility for the payment of attorney fees. An amended complaint was then filed on behalf of two of the three original property owner petitioners on April 20, and the Town filed an answer on April 26, 2016. A hearing is scheduled for June 30. We will try to keep members informed about further developments in the case.

## **CORPS OF ENGINEERS FINDS NO SOLUTION TO FLOODING**

The U.S. Army Corps of Engineers recently completed an extensive cost-benefit study of the flooding problems in Town. The study essentially determined that most of the problems are related to tidal flooding along the Loop Canal and there is no clear practical solution to alleviate such flooding. The study was funded jointly by the Corps of Engineers and the Town, and the final report includes documentation of seven other studies of the issue conducted by the Town. The Town Manager has advised that the final report and an executive summary are posted on the Town website at <http://www.townofbethanybeach.com/CivicAlerts.aspx?AID=47>.

## **OTHER NEWS AND UPDATES**

### **Progress on Town Park Development**

As previously reported, the Council selected the Oasis Design Group (ODG) last August to develop a "master plan" for design of the Town Park. At a public workshop in October 2015, ODG presented two initial alternative concepts for consideration, based on the results of a survey the Town conducted to determine property owner opinions regarding development of the park and possible features. The purpose of the presentation was to solicit Council and public input for further work.

At a subsequent public workshop on February 12, 2016, ODG presented proposed plans to develop the park in a number of phases. Here again, ODG solicited comments and suggestions from the Council and those present at the workshop. ODG's presentation will be posted on the

Town website. At a later date to be determined, the proposal will be sent to all property owners for their input.

### **Strong Opposition to Application to Fill In Wetlands**

An application to fill in 1.92 acres of wetlands in Bethany Beach to facilitate development of a multi-unit housing project was referred to DNREC's Administrator for Delaware Coastal Programs for review. The area in question is north of Route 26 adjacent to the Loop Canal. In response to a request for public comment, the Town Council voted unanimously to oppose the proposal because loss of the wetlands would exacerbate the significant and ongoing flooding problems in the area. The Mayor advised DNREC of the Council's opposition by letter dated January 20, 2016. The BBLA Board likewise voted unanimously to oppose the application because, among other reasons, the loss of the wetlands would increase flooding and have a serious negative impact on the many property owners in the vicinity of the Loop Canal and disrupt the ecological balance in the area. By letter dated January 29, 2016, and subsequent presentation at a public hearing on the matter on March 4, 2016, the Board expressed its opposition to the application for the reasons stated. The application is pending. We will keep you informed of the outcome.

### **New Trolley Routes**

Based on last year's experience with the separate North-South routes, the Town has slightly redesigned the routes to better serve the community. Trolleys will run from 9:30 a.m. to 10:00 p.m. See the Town website [www.townofbethanybeach.com](http://www.townofbethanybeach.com) or the new Town calendar for May 2016-April 2017 for the reconfigured routes and all the stops.

In an initiative to improve service and rider convenience, Town staff is working on developing a transit "app" for the trolley schedule. The new application would enable riders to determine the exact location of a trolley on their smart phones so they would be better able to determine when the trolley would reach their stop. It is hoped that the new feature will be operational sometime this summer.

### **Route 26 Project: Another Summer of Discontent?**

The extended deadline for completion of the 2-1/2 year Route 26 improvement project is September 7, 2016. However, there have been some encouraging comments by contractor spokespersons that the major construction work may be completed by early July. We'll see how that goes.

In the meantime, while drivers can now travel straight through from Clarksville to Bethany Beach, they will experience delays from time to time due to lane closures and other construction activity. Lane closures are permitted as necessary 24 hours a day until May 15. After May 15 and during the summer season two lanes of traffic will be maintained during the day. Information on the project is available from the Delaware Department of Transportation at: [www.deldot.gov/information/projects/sr26/index.shtml](http://www.deldot.gov/information/projects/sr26/index.shtml). Individuals can register for weekly e-mail updates or download a smart phone application at [www.sr26.deldot.gov](http://www.sr26.deldot.gov).

## **Mosquito Control Measures**

Recognizing heightened concerns about the Zika Virus and mosquito-borne diseases and illness, the Town Manager reported that the Town will stock up on anti-mosquito supplies, monitor conditions and take action as necessary. The State of Delaware is not planning anything beyond its normal annual mosquito larvacide spraying of troublesome areas. The State will not spray other areas unless there is evidence to warrant it.

An environmental program administrator for the State Mosquito Control Section has advised that individuals can take effective measures by wearing protective clothing (avoiding bright colors), using mosquito repellants, and spraying clothing with products containing permethin. Property owners are advised that one of the most effective measures they can take is to eliminate all breeding sites, anything that collects and holds water for more than four days, such as clogged gutters and downspouts, drains, flower pots, bird baths, trash cans and other containers.

## **New Water Plant**

Fortunately for the entire community, the new water plant is fully operational for the coming summer season. In recognition of all the accomplishments of the Town Water Department, Delaware Technical Community College has selected Ron Foreman, Director of the Water Department, as this year's "Delaware Water Operator of the Year." BBLA members add our congratulations to Ron for his well-deserved award.

Indeed, everyone involved in the new water plant project deserves our appreciation. With all the troubling national news about deteriorating and even dangerous water supply systems throughout the country, we are indeed fortunate in Bethany Beach to now have a system that will provide clean and safe water for our community for years to come. So, many thanks to the Town Manager and staff, especially Ron Foreman and the Water Department and everyone else involved for their foresight, planning, coordination and hard work in bringing this vital major capital project to successful completion.

## **Summer Rules: A Word to the Wise**

To avoid the embarrassment of public criticism and possible fines, property owners should be aware of and advise their renters and guests of the following rules, some of which are in effect from May 15 to September 30 and others year round, as noted.

1. Skateboards, roller skates and inline skates are prohibited at all times on the boardwalk, bandstand and on all sidewalks on Garfield Parkway from Route 1 to the boardwalk.
2. Always clean up after your pet. Dogs must be leashed and curbed at all times. Dogs are allowed back on the beach and boardwalk after September 30.
3. Bicycles are prohibited on the boardwalk and all approaches to the boardwalk except between the hours of 6 – 9 a.m. Bikes are never allowed on sidewalks.
4. Smoking is prohibited on the beach except in designated areas. Smoking is prohibited year-round on the bandstand plaza, the boardwalk, all public playgrounds and parks, the Nature Center, the Loop Canal and Town Hall.

5. In addition, official notices have been posted advising everyone to KEEP OFF THE DUNES, a prohibition imposed to preserve the protective dunes, as well as for safety reasons.

### **Trash Collection Schedule For May 1 – September 30**

Just as a quick reminder, the Town has published the following schedule for trash collection for the season (and beyond for some material):

Regular trash (twice a week). For Zone 1, every Monday and Friday; for Zone 2, every Tuesday and Saturday. (Visit [www.townofbethanybeach.com](http://www.townofbethanybeach.com) to review the zone map.)

Residential dumpsters at townhomes will be picked up every Monday, Wednesday and Friday; and commercial dumpsters every day.

Recycle items (once a week). For Zone 1, every Wednesday; for Zone 2, every Thursday.

Yard waste will be picked up every Tuesday from May 1 through December 31 with carryover to Wednesday a.m. as needed. Waste must be in heavy-duty paper yard waste bags or labeled containers. Limbs must be tied into bundles no larger than 5 feet in length and 2 feet in diameter. A minimum \$40 fine will be assessed for collections not properly prepared.

Free bulk collections of acceptable items are picked up the last two weeks in April and October, on days the Public Works Department schedule permits. Special collections of bulk items can also be arranged through PWD. Visit the town website for a list of acceptable bulk items.

See the Town website for other details. One final note on this subject. Public Works Department personnel would appreciate it if people put garbage and regular trash in trash bags and did not just dump the waste into their trash cans. It would also be appreciated if people did not put their regular trash in the recycle bins. Please give some consideration to our PWD employees who handle the trash pick up as just one of their many duties in our community.

### **Farmers' Market Season Begins on June 12**

On Sunday, June 12, the Bethany Beach Farmers' Market will begin its 9<sup>th</sup> season and will continue operations on Sundays until September 4 this year.

As in previous years, the Market will operate in the PNC Bank parking lot at the corner of Garfield Parkway and Pennsylvania Avenue. The Market opens at 8:00 a.m. and closes at noon on Sundays. Free parking is available in an adjacent lot.

The Market features a wide variety of locally grown, freshly picked farm produce, as well as baked goods and other products popular with area residents and visitors. For more information, or if you want to volunteer to help out, contact the organization by e-mail at: [www.bethanybeachfarmersmarket.com](http://www.bethanybeachfarmersmarket.com).

## **VFW Events**

Veterans of Foreign Wars Post 7234 will conduct two patriotic events in May which residents and visitors may want to attend.

On Saturday, May 14, the Post will celebrate its 70<sup>th</sup> Anniversary, beginning at 11:00 a.m., at the Post, located at the end of Marshy Hope Way in Ocean View. The program will include a ceremony to remember and honor those who established the Post after World War II and reflections on its history of service to veterans and the area community. The ceremony will be followed by a BBQ lunch. The event is open to the public, free of charge, and all are welcome.

On Monday, May 30, a Memorial Day ceremony will be conducted at the bandstand on the boardwalk in Bethany Beach, beginning at 11:00 a.m.

For more information about VFW events and activities open to the public, check the Post website: [www.vfw.com](http://www.vfw.com).

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