



## **PRESIDENT'S MESSAGE**

**November 2017**

In October, continuing a recent annual tradition, I updated the Town Council on BBLA organization changes and recent developments. Here are some excerpts:

- BBLA was founded 48 years ago and is a non-profit civic organization under 501(c)(4) of the Internal Revenue Code.
- BBLA membership is growing, with 1258 current member households.
- Finances remain strong with reserves exceeding one year of expenses and no debt. The Board has strengthened financial control and review procedures.
- There is an orderly, planned transition of Board members and officers. The current 15-member Board includes five new members. This year there were more candidates than vacancies. Two of the five officer positions are now filled by new Board members.
- In one transition, Doug Mowrey resigned as Vice President, when he was elected president of the Bethany West Homeowners Association, and with additional responsibilities as President of the Farmers Market. Pursuant to BBLA's Bylaws and with the recommendation of our Nominating Committee, I appointed Patrick McGuire to fill the vacancy. The person in the President's position will change in June when my term is up.

The BBLA Board is reviewing how we accomplish the purposes of the Association set forth in our Bylaws. This is being done with four ad hoc committees: Communications; Advocacy; Charitable Donations; and History. Another committee is reviewing BBLA governance and decision-making procedures.

Continuing another recent tradition, the Town Manager, Cliff Graviet, provided an update briefing on Town operations for the BBLA Board on October 28. The briefing covered all departments and the responsibilities and accomplishments of the 35 full-time staff, augmented by about 115 seasonal employees during the summer. Mr. Graviet also covered the status of various projects and issues. Much of the information provided is incorporated in the newsletter articles that follow. The BBLA Board has expressed its appreciation for the comprehensive and very informative briefing because it enables us to keep all BBLA members better informed.

Speaking of the newsletter, member suggestions for subjects for future newsletters are welcome and may be sent to [info@bbla.us](mailto:info@bbla.us) for consideration. Any suggestions you might have for how we can improve as an organization are also welcome.

Happy Holiday Season to all. We have a lot to be thankful for in Bethany Beach.

Tracy Milligan  
BBLA President

## **NEWS AND UPDATES**

### **2017 – 2018 Town Council, Committee Chairs**

In accordance with section 5.4.4 of the Town Charter, because there were only three candidates for the three Council positions that became vacant this year, there was no need for a formal election. Consequently, the three candidates who filed for election, Joseph Healy, Jerry Morris and Patrick Sheplee, were sworn in on September 19, 2017, to serve 2-year terms as Council members.

At a reorganization meeting on the same day, the Council members reelected Jack Gordon as Mayor and Lew Killmer as Vice Mayor. Jerry Morris was reelected to serve as Secretary-Treasurer. The Council also approved the appointment of the following committee chair persons: Audit, Chuck Peterson; Budget and Finance, Jerry Morris; Charter and Ordinance Review, Rosemary Hardiman; Non-Residential Design Review, Lew Killmer; Cultural and Historical Affairs, Carol Olmstead; and 4<sup>th</sup> of July Parade, Bruce Frye. [Ed. Note: The Planning and Zoning Commission, established under the Delaware State Code (see 22 Del.C. § 701) provides that the members of the Commission, who are appointed by the Town Council, shall elect annually a chairperson and secretary from among its own number. At the present time, Mike Boswell is Chair.] All the named individuals and other committee and commission members are volunteers and their service to our community is appreciated by BBLA.

### **Current BBLA Officers and Board of Directors**

With the election at the annual BBLA membership meeting on June 17, 2017, and subsequent necessary changes and appointments by the President under BBLA Bylaws, the current officers and directors are as follows:

#### Officers

President: Tracy Mulligan

Vice President: Patrick McGuire

Treasurer: Susan Fried

Recording Secretary: Kathy Sierra

Membership Secretary: [Vacant. Replacement for Patrick McGuire pending appointment.]

#### Board of Directors

Judy Bullis

Marty Decre

Mary Louise Embrey

Larry Fishel

Diane Fogash

Jerry Hardiman

Claire Loftus

Doug Mowrey

Kathy Shorter

Joe Smith

Jack Walsh

Margaret Young

\*All officers also serve as members of the Board of Directors.

## **BEACH REPLENISHMENT CONFIRMATION**

As previously reported, the U.S. Army Corps of Engineers (USACE), Philadelphia District awarded a \$17.2 million contract to Great Lakes Dredge and Dock Co. on September 27, 2017, for beach replenishment projects in Bethany Beach, South Bethany and Fenwick Island. The cost of the projects will be shared by the Federal Government and the State of Delaware.

In a letter dated October 20, 2017, to the Mayors of the three towns, USACE confirmed that the dredging and beach fill operations are currently scheduled to begin in the Spring of 2018. In the same letter, USACE addressed concerns about the installation of fencing and planting grasses to protect the dunes. USACE advised that the dune related work is part of the contract and that it is anticipated that the fencing will be installed before June 2018.

As to the dune grasses, however, USACE advised that the planting season is between October and March; and that grasses planted between April and September would not likely survive. Therefore, with the replenishment work schedule, planting of dune grasses would most likely begin in October 2018. The USACE welcomed the offer from the towns to arrange for volunteers to help with the planting.

## **TOWN SURVEY ON USE OF SHADING DEVICES ON BEACH DUE BY DECEMBER 1<sup>ST</sup>**

As members are probably aware by now, the Town is conducting a survey to solicit the opinions of all property owners and non-property owner residents regarding the use of various shading devices on the beach. The survey resulted from an increasing proliferation of the use of such things as over-size umbrellas, open-sided canopies, tents, cabanas, tarps and “sportsbrellas”, and a corresponding increase in the number of complaints about their use on a smaller, more crowded beach. Bethany Beach is not alone in facing this situation. Other beach communities have regulated the use of such devices in varying degrees. Rehoboth Beach, for example, enacted a total ban on all shading devices other than standard size umbrellas and small “baby tents.”

The possibility of regulating the use of such shading devices on our beach, as well as restricting various beach activities, has been considered by the Charter and Ordinance Review Committee (CORC) and the Town Council at a number of meeting and workshops during the year. CORC also conducted a study of the use of shading devices over the 2017 summer months and presented its findings and representative photos at a Council Workshop on October 16, 2017. An audio and video recording of that workshop (about 65 minutes long) is available at [http://bethanybeach.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=494](http://bethanybeach.granicus.com/MediaPlayer.php?view_id=2&clip_id=494) for those who might be interested. It will give you an idea of some of the issues and differences of opinion.

The Council heard public comments at its meetings or in writing from fewer than fifty people. Because of the differences of opinion and the importance of the issue to the entire community, the Council decided to conduct a Town-wide survey and consider the responses before reaching any conclusion whether to regulate and, if so, to what extent.

If you haven't already done so, BBLA members are urged to respond to the survey before the December 1 deadline. This is a meaningful opportunity to present your views on the questions in the survey directly to the Council for consideration. Please note that the survey includes a comment section for respondents to express their concerns, opinions and suggestions on those questions and any other beach-use activities. The survey may be completed on-line at [www.townofbethanybeach.com](http://www.townofbethanybeach.com). Click on the Bethany Beach Tent Survey icon at the bottom left-hand corner of the home page. If you would prefer to fill out the survey on paper, call the Town Hall at (302) 537-3771, and the survey form will be mailed to you, together with a pre-addressed, return envelope.

## **Dinker Cottage Listed on National Register of Historic Places**

On July 3, 2017, the Dinker Cottage (referred to as the Dinker-Irvin Cottage of Sussex County) was placed on the National Register of Historic Places by the US Department of the Interior. The property was thereby declared “to be a significant part of our American heritage and worthy of preservation for the enjoyment of future generations.” The elevation of the locally historic cottage to national recognition was due in large part to the efforts of the Town’s Cultural and Historical Affairs Committee (CHAC), chaired by Carol Olmstead.

On October 20, the Town Manager reported that the relocation of the cottage to include construction of the foundation was completed in September. The move resulted in a few minor problems, including plaster cracks, which are being repaired. Other work to be done includes handicap access determinations, construction of stairs and ramps, electrical system upgrade, HVAC and landscaping work. We understand that CHAC will develop suggested plans and recommendations for conversion of the cottage for use as the Town Museum.

## **Plans for South Atlantic Streetscape Project in Final Stages**

At the Council meeting on October 20, 2017, the Town Manager reported that the Town’s engineering firm, the Kercher Group, is finalizing bidding documents for the South Atlantic Avenue improvement project. As previously reported, the project will replace deteriorating pavement, enhance drainage, improve pedestrian and bike safety, and comply with requirements of the Americans With Disabilities Act.

It is currently anticipated that grading work will begin in the January/February 2018 time frame, to be followed with pavement work as soon as it is warm enough, probably in March/April 2018. During construction work, homeowners on the east side of Atlantic may not be able to use their driveways for eight to ten days; and those on the west side will likewise be inconvenienced for four to six days. It is hoped that the final permanent improvements will be well worth the temporary inconvenience.

## **“Hope Springs Eternal”\*One: Flooding Mitigation**

At the Council meeting on August 17, 2017, and the discussion of issues at the BBLA Board meeting on October 18, the Town Manager described a promising system that could provide significant Town-wide relief from minor to mid-level tidal flooding events. The system would involve installation of a “bladder dam” at the mouth of the Loop Canal at the Assawoman Canal, and a tidal gate at Fred Hudson Road.

However, a number of process steps would have to be completed before any such system could be installed, including: Initially obtaining a grant under FEMA’s Flood Mitigation Assistance Program for another engineering study; and support, approval and possible funding for the project from the Delaware Department of Natural Resources and Environmental Control and the U.S. Army Corps of Engineers. One key hurdle that was mentioned was that the Town “would have to establish that the system would not dramatically raise the water level in the Assawoman Canal during a tidal event.” Stay tuned. Whatever the outcome, kudos to our Town government for not giving up on trying to solve the serious flooding problem. [\*Ed: Note: Just in case you’re wondering, like I did, where that expression comes from, see Alexander Pope’s An Essay on Man. (“Hope springs eternal in the human breast. . .”)]

## **“Hope Springs Eternal” Two: High-Speed Internet Development**

While the long-sought goal of bringing high-speed internet to all of Bethany Beach has not yet been achieved, Town staff continues to explore possibilities. The main stumbling block seems to have been that some potential providers apparently have determined that it would not be profitable to provide the enhanced service, given cost factors and our population size. Related factors are current technology and the absence of a fiber optic cable system in Bethany Beach.

Now, here’s a positive development. The Town recently noted on its website that it had confirmed with Mediacom, the cable provider in Town and an internet provider, that Internet service is now available to its customers in Bethany Beach at 1-gigabit speed. According to Mediacom, the enhanced service technology will enable customers to receive the faster gigabit capability through existing wiring in homes or businesses. For more information, here’s a link to an October 10, 2017, article in the Cape Gazette:

<http://www.capegazette.com/article/mediacom-delivers-1-gig-internet-speeds-sussex-county/143624> that may be interesting.

## **Proposed New Rope Walk Restaurant on Garfield Parkway Delayed**

On April 26, 2017, the Non-Residential Design Review Committee considered an application from Mr. Jack Burbage for approval of design plans for construction of a 2-story, 335-seat, Rope Walk restaurant on Garfield Parkway. The Committee determined that the plans met applicable exterior design requirements and guidelines and approved the application. The Fish Tales business on the site of the proposed new restaurant moved across the street and the vacated building was demolished in preparation for the new construction.

Subsequent to approval of the Rope Walk design plans, a property owner in the vicinity raised an issue as to whether the outdoor deck on the front part of the second floor of the restaurant, which could accommodate 74 people, is a “rooftop open-air business” within the meaning of Section 425-70.C. of the Town Code and, therefore, prohibited. It is not clear whether the Design Review Committee specifically considered this issue. However, its approval of Mr. Burbage’s application may suggest that the deck was not considered the “rooftop” of the second floor. Another view of the design is that the deck is a permitted use under the Town Code, like the outside deck at Mango’s. The issue raised does not seem to be an impediment to construction at this time.

However, at the time of this newsletter, permits for the construction of the restaurant foundation and other work have not been issued by the Town Building Inspector. Our understanding is that the builder must first obtain approval from the Delaware Department of Health and Social Services, Division of Public Health, Office of Engineering, of plans for a fire suppression water system that meets applicable State requirements.

## **Police Department Continues to Meet Highest Standards**

On August 18, 2017, the Town Manager reported that the Bethany Beach Police Department had successfully completed the extensive review process of the Commission on Accreditation of Law Enforcement Agencies (CALEA). CALEA is the preeminent police accreditation organization in the United States. Its standards are recognized internationally as benchmarks for excellence. CALEA determined that the Bethany Beach Police Department met or exceeded those standards.

The Department was the first small department in Delaware to receive this prestigious recognition and the third smallest recipient in the country. Congratulations to Chief Mike Redmon, Captain Darin Cathel and Sergeant Chuck Scharp, and the entire Department for this outstanding professional achievement.

Further on the subject of professionalism, both Captain Cathel, in his remarks as guest speaker at the annual BBLA membership meeting on June 17, 2017, and Mr. Graviet, in his briefing of the BBLA Board on October 28, mentioned that Bethany Beach requires 280 hours of police training for its seasonal officers, far exceeding the minimum requirement of 48 hours.

## **Town in Excellent Financial Condition**

At the Council meeting on July 21, 2017, then Chairman of the Town's Audit Committee, Patrick Sheplee, reported on the results of the annual external audit of the Town's financial condition for the fiscal year that ended on March 31, 2017, by the outside auditing firm, TGM Group. Bethany Beach again received the highest level evaluation and the audit determined that the Town remains in excellent financial condition. The Town was complimented for its internal controls, policies and personnel. In addition, the Town was commended for having an active internal auditor and audit committee, which are often missing in towns our size. Finance Director Janet Connery and Town Manager, Cliff Graviet, deserve a large part of the credit for the continued excellence in financial management.

Relevant financial statements are available on the Town's website and at Town Hall. Review of the Management Discussion and Analysis portion of the audit will provide more detailed information at <http://www.townofbethanybeach.com/Archive.aspx?AMID=38&Type=Recent>.

In a related Council discussion of a proposed new contract with TGM Group, Mr. Sheplee confirmed that the audit preparation work of the Town staff contributed to the reduction in audit fees in the proposed new contract.

## **Busy Summer for Life Guards**

At the end of September, the Captain of the Beach Patrol, Joe Donnelly, reported that the record of service of the life guards over the 2017 summer included:

- 296 water rescues
- 33 other emergencies requiring assistance/first aid
- 100 lost children found

You have to ask yourself what would the beach safety situation be like without them? It's clear from the record that the Beach Patrol deserves the gratitude of all beach goers.

### **Photo Contest for 2018 Calendar**

We didn't have all the details before sending the newsletter to the printer, but we understand from Julie Malewski, the Town Events Director and Media Coordinator, that the Town will conduct a photo contest again this year to select pictures for use in the annual calendar, and possibly other communications.

Here's what we know. The contest will run through January 15, 2018, and will be open to amateur and professional photographers. All photos submitted must be taken in Bethany Beach. In addition to possible selection of a photo and credit for use in the 2018 calendar or other communications, participants will be eligible to win a 2018 parking pass, good for parking at any space (except handicapped) in Town during the 2018 summer season. Watch the Town website in the near future for complete details.

### **Trash Collection for October 1, 2017—April 30, 2018**

Regular residential trash will be picked up on Monday for the entire Town.

Residential dumpster collections will be picked up every Monday and Friday (and Wednesday, if needed).

Recycle items will be picked up every Wednesday.

Yard waste will be picked up every Tuesday through December 31, 2017, and every other Tuesday from January 1 to April 30, 2018. Material must be in heavy-duty paper yard waste bags or labeled containers. See the Town website for other requirements and restrictions (<http://www.townofbethanybeach.com/370/Yard-Waste-Schedule>).

Special Collections of Acceptable Bulk Items can be arranged through the Public Works Department (PWD). See the Town website for a list of acceptable bulk items and other information. <http://www.townofbethanybeach.com/428/Trash-Collection-Schedule>

Also see <http://www.townofbethanybeach.com/DocumentCenter/View/2095> for month-by-month trash pickup calendar.

The Town Manager reported that eight full-time PWD employees, augmented by 15 seasonal employees, make approximately 286,000 trash pickups a year from residences and businesses. That's in addition to their other duties, including: beach and boardwalk maintenance; maintenance of swales and culverts for storm water management; maintenance of over 18 miles of streets and sidewalks; and assisting Melinda Linde and Jessica Williamson, who are also Public Works employees, in their horticultural beautification work, as needed. Thanks to PWD Director Brett Warner and the entire staff for all they do year-round for Bethany Beach.

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