



(December 2014)

## **President's Message**

Greetings:

As a result of the recent controversy over the beach rental concession, described in detail below, the town is now focusing on what the BBLA Board sees as a critically important issue: how to create a reserve fund that can be used to pay for recovery from the damage to the beach and boardwalk in the event of a catastrophic storm such as Hurricane Sandy or the 1962 Nor'easter. Depending upon the extent of federal and state assistance available at the time, the Town might very well have to pay substantial recovery costs and have to do so quickly. The Board intends to monitor developments and work on this issue. You will undoubtedly be reading more about it in future BBLA newsletters.

On October 18, Town Manager Cliff Graviet made a presentation to the BBLA Board on a wide range of current projects and issues. You will find a summary of his presentation beginning at page 3 below. The summary includes an extended discussion of the perennial problem of tidal flooding along North Pennsylvania Avenue and in the area north of Route 26 and West of Route 1.

Mr. Graviet gives a Town Manager's report at regularly scheduled Town Council meetings and we have included at page 5 a summary of his report at the November 14 Council meeting.

The behind the scenes operation of the popular Bethany Beach Farmers Market has been going through a major transition. BBLA has been deeply involved in this process and we are pleased to report that we fully expect the Market will be up and running next summer, and hopefully for many years to come. The full story begins on page 6.

The BBLA Board recently adopted a formal policy and procedures that will govern future donations by the organization. All this is explained at page 7. Finally, on page 8, we are providing information on a potentially life-saving program known as Smart 911; and an alert for owners of property east of Route 1 who may be contemplating new residential construction or major renovations.

We hope you will find this newsletter both informative and useful.

All best wishes for a Joyous Holiday Season!

Mike Horne  
President

## **BEACH CONCESSION CONTROVERSY RESOLVED**

The widely publicized controversy over the beach umbrella and chair rental business was resolved by the Council and Mr. Ron Steen on November 14.

The dispute concerned a proposal by the Town Manager that the Town begin to operate the rental business in 2015 as a source of revenue for a Storm Emergency Relief Fund for use in the event of destruction from a catastrophic storm. The proposal and business plan estimated net revenue after expenses at \$232,000 in 2015, and about \$500,000 more over five years than a pending rental concession bid from Mr. Steen would provide for the Town. Mr. Steen and his family have operated the rental business successfully as a Town-licensed concession since 1988, and for many years before, without any known serious complaints or problems.

The controversy generated considerable public support for Mr. Steen and raised a number of related questions, concerns and suggested solutions. The BBLA Board of Directors submitted a comment letter to the Council recognizing the critical need to establish a storm emergency contingency fund, but questioning whether the Town staff proposal was the best solution to the funding problem for several reasons. The Board recommended that rather than implementing the proposal, the Council should consider other alternatives and negotiate with Mr. Steen in an effort to resolve the matter and achieve a mutually satisfactory result. A copy of the BBLA Board letter is included with this newsletter.

At the Council meeting on November 14, it was clear from their comments that the Council members were not in favor of the idea of adding a beach rental service to the Town's responsibilities even as a source of revenue for an emergency fund. The six Council members present voted unanimously to approve a two-part motion that (1) would not award a new 5-year concession to Mr. Steen at that time; and (2) would direct the Town Manager to discuss with Mr. Steen an addendum to his previous contract (which expired on October 1, 2014) that would extend that contract for two years at the annual rate he last paid (about \$62,000). Following the Council vote, Mr. Steen accepted the arrangement outlined in the motion, with the reassurance that the Town was not interested in operating the beach rental business. There was noticeable relief all around when the dispute was so amicably resolved.

## **EMERGENCY FUND UNDER CONSIDERATION**

Now the focus appropriately is on the practical necessity of establishing an emergency contingency fund in the event of a catastrophic storm, such as Superstorm Sandy or the 1962 Nor'Easter. The Town will, at a minimum, have to have sufficient reserves to meet the Federal requirement for communities to contribute a 25 percent matching share for at least some repair and reconstruction costs. The need may be greater, depending upon the availability of Federal and State funding.

The Council has identified a number of preliminary questions, including some raised by the public, in connection with the establishment of a reserve fund. One threshold question for planning purposes is: What is a reasonable and prudent amount to reserve for the situations that might occur? The calculation necessarily will result in a reasonable estimate because actual storm-related recovery costs for the Town will depend upon, among other things, the severity of damage sustained and the extent of Federal and State assistance available at the time.

Notwithstanding the absence of a crystal ball, a reasonable estimate can be made, and then, potential sources of revenue to build a fund to the desired level can be considered. A number of possibilities have already been mentioned and more will be identified. It is too early to discuss any specific possibilities at this point. However, there is BBLA Board consensus that one principle or criterion that should be applied in the eventual selection process is that the burden of building a fund should not fall entirely on Bethany Beach property owners. In fairness, others who enjoy the benefits of the beach and our Town should also contribute.

The BBLA Board intends to monitor developments on this issue and keep our members informed.

## **TOWN MANAGER UPDATES**

At the BBLA Board of Directors meeting on October 18, Town Manager Cliff Gravier provided update information on a wide range of projects and other matters. On November 14 he gave his usual Town Manager's report at a meeting of the Town Council. Summaries of these two presentations follow.

### **OCTOBER 18 PRESENTATION TO THE BBLA BOARD**

#### **Streetscape Project**

Work on the final phase of the project on Garfield Parkway east of Atlantic Avenue and at the intersection at Atlantic is underway. Absent severe weather or other unforeseen problems, the project is expected to be completed by January 2015.

#### **Boardwalk Lighting**

Town staff is working on ways to improve lighting on the boardwalk and also address complaints by some property owners in the boardwalk area. Although Delmarva Power owns the poles and lights, Town Public Works employees have been maintaining and replacing bulbs in the globes. The Town staff is exploring a possible arrangement with Delmarva Power that would enable the Town to replace the current globes with LED lights that would point directly downwards to the boardwalk. Mr. Gravier also noted that the question of possible widening of the boardwalk is not currently under consideration by the Town Council.

#### **Express Trolley Service under Consideration**

The Town's popular trolley service experienced a significant increase to 40,635 riders this year compared to 37,813 riders in 2013. The Town is considering the possibility of adding an express trolley route for the 2015 summer season. With a limited number of stops and by running more frequently, this service would allow riders to get to and from the beach and downtown area much faster. As an added benefit, an express route might encourage increased ridership and help relieve some of the pressure on downtown traffic and parking during the summer season.

Tentative stops for an express route have not been determined, but most likely would be close to the entrances of communities/neighborhoods in Town, such as those along Route 26, and no more than a 5-minute walk from most homes. There are several other factors to consider, including staffing, availability of trolleys and scheduling. The Town would welcome any comments and suggestions from the public on this idea (or any of the other topics covered). Comments can be sent to the Town Manager and Council at [admin@townofbethanybeach.com](mailto:admin@townofbethanybeach.com).

### **Town Park**

Work continues on the plan for development of the Town Park. The Town has asked for a statement of qualifications from interested landscape architectural firms. The closing date was November 14. Selection of an architect will follow after consideration of a review and recommendation of a committee to be established for that purpose.

### **Flooding Issue (With Some Background Information added by BBLA Board)**

The U.S. Army Corps of Engineers has completed a substantial amount of work on the current engineering study to further examine the causes of the persistent flooding in the Bethany Beach area, and to identify possible solutions. Earlier work on the study had to be suspended by the Corps in order to devote its resources to priority remedial work required by the devastation of Superstorm Sandy. While the study is not yet completed, as of now no clear solution has been identified. However, the study, which is jointly funded by the Town and the Corps, has provided some additional information.

By way of background, a large portion of Bethany Beach is close to sea level. Most of the Town is surrounded by the ocean and by a tidal canal system that is at or below sea level. The canal system forms a "u" that encompasses most of the north and south portions of Bethany and constitutes the western boundary of the Town. Storm water runoff is supposed to drain into the canal system. But the canals fill and overflow not only in heavy rain events, but also in non-rain tidal flooding events. For example, flooding can occur when strong northeasterly winds persist over three or more high tides and continually push water from the ocean into the Indian River and connected waterways and restrict outflow during low tides. This results in flooding in about a third of the Town, mainly along North Pennsylvania Avenue and much of the area west of Route 1 and north of Route 26.

The proximate sources of the flooding are the Assawoman Canal, the Loop Canal, the Salt Pond and, to some degree, a man-made ditch that runs north to south parallel to Route 1, from the Indian River Bay to the Salt Pond. There are several interconnected causes of the flooding problem. The soil close to these waterways becomes saturated in a

heavy inundating rain and/or an extended tidal event. When the ground is saturated over this wide area, excess water in the canals, ditches and swales eventually overflows.

It might seem that measures such as drains, culverts, dams or pumps could solve the flooding problem. However, drains and culverts cannot drain flood waters when the ground is saturated and the canals are full and overflowing. Dams tend to cause water to be diverted from one property to another, although the possibility of dams at some locations is still a matter for consideration. Pumps, which can work in some situations, are not a solution because the distant source of the flooding is the Indian River Bay, into which water is coming from the ocean. Pumping would be futile because water is coming in from the areas to which the pumps are trying to send the water. Due to these geographic and hydrology realities, there is no immediately apparent, cost-effective solution. However, we have to wait for the engineering study report before reaching any final conclusion.

Mr. Gravier pointed out that there have been some noticeable positive results from the Town's efforts over at least the past ten years to address storm water flooding problems. The Town has devoted significant resources to rebuilding and improving the storm water drainage system by, for example, restoring and improving swales and repairing and replacing culverts and drainage pipes. Storm water now drains off in many areas more efficiently than it did a decade ago.

### **Mobile Aerial Camera**

The Town has acquired an aerial camera/video device that can be used for, among other things, providing real-time pictures of area flood conditions for public safety and Public Works Department personnel. Pictures can also be posted on the Town's website for viewing by absent property owners and others.

### **Land Purchase**

The Town is exploring the possible purchase of a tract of land outside Bethany Beach and the flood plain area. The property could be used as a site for storage of trolleys, benches and life guard stands during the off season, as well as for public works equipment, vehicles and other material especially during serious storms and flooding events.

### **Mobile Town Office**

The Town recently purchased a police mobile command vehicle from Smyrna. The vehicle will be converted and used as a mobile office as needed, especially in the event of a catastrophic storm, for communications and after storms as an administrative office to provide an official presence and to assist residents, for example, in helping them with preparation of necessary insurance and state and federal claims.

## **NOVEMBER 14 REPORT TO THE TOWN COUNCIL**

### **Homeless Shelter in Bethany**

The Town has been advised by the Southeast Sussex Ministerium that, in conjunction with the Christian Church, it intends to offer shelter to about six homeless adults in the building on the Church property referred to as the "Stone House."

This shelter and meals will be offered during evening hours and night time and guests will be transported to another facility during the day. Shelter will be provided from approximately the middle of November until the end of January and possibly into February, depending upon the weather. The shelter will be staffed with two qualified volunteers when homeless individuals are staying there. We understand that the shelter opened on November 18.

### **Water Plant Update**

The upgrade of the Town water plant includes the new water tower and construction of a new building to replace the existing pump house on the property. Because of higher than acceptable bids for construction of a new pump house and a new bid process, the originally anticipated time frame for completion of the project has been extended. The plant is now expected to be on-line and operational around the end of April 2015.

### **Summer Bandstand Events Survey**

Looking for feedback and ideas to improve programs at the bandstand, the Town's Events Director, Julie Malewski, is inviting those with comments and suggestions to complete a short survey to be found at: <https://www.surveymonkey.com/s/32HZGBF>.

### **Hotel Update**

The Town has been informed that due to unexpected delays in construction, the anticipated completion date has been revised to May 15, 2015.

## **OTHER NEWS**

### **Farmers' Market Survives and Will Reopen in 2015**

The Bethany Beach Farmers' Market (BBFM) has been a very popular and successful Sunday activity during the summer since it began in 2007. The idea for a market was first promoted and sponsored by BBLA and the Women's Civic Club. BBFM, a non-profit Delaware corporation, has been supported and assisted by BBLA, the Civic Club and the Town since the beginning. For example, BBLA provided financial and other assistance for the start-up. The Town provides the site for the market on property the Town leases and also provides assistance from police, public works and communications staff. Over the years, several key volunteers have been BBLA and Women's Civic Club members.

The success of the market is attributable not only to the high professional standards of the participating farmers and vendors and the quality of their products, but also in large part to the dedicated efforts of many volunteers.

However, early in 2014, the BBFM Board suffered the loss of a number of long-time, experienced members, as well as other volunteers, due to retirement, health reasons,

relocations and other reasons. BBLA and others responded to a request for assistance and the issues raised by the loss of personnel were temporarily resolved. The losses also necessitated BBFM hiring a local company to handle market set-up and traffic control tasks. This resulted in depletion of BBFM's reserves. Nevertheless, due to the efforts of many, 2014 was a successful season. The question remained whether the market could continue in 2015.

In October and November of this year, a group of farmers, BBLA Board members and other volunteers committed to continuation of the Market met to resolve legal, financial and operational issues, and to develop a plan for the future. The BBFM Board was reconstituted, officers were determined and committees, roles and responsibilities were established.

The new BBFM Board is comprised of: Doug Mowrey, President (and BBLA Board member); Carrie Bennett, Vice President (Farmer); Jennifer Carter, Secretary; Nancy Sager, Treasurer; Margaret Young (BBLA Board and Women's Civic Club member); Henry Bennett (Farmer); and Jerry Morris (BBLA Board member).

In addition, John Himmelberg (former BBLA President) serves as a Director Emeritus of the BBFM, and Dan Costello (former Market Manager and BBLA Board member) has offered to provide advice and assistance based on his extensive market knowledge and experience over the years.

### **BBLA Donation Policy**

BBLA has a long history of making a small number of donations each year to public service and community support organizations, such as the Bethany Beach Volunteer Fire Company and the Friends of the South Coastal Library, that protect, serve and otherwise benefit our community. Donations have also been made to support community events such as the Farmers' Market, the 4<sup>th</sup> of July parade and, more recently, to Operation SEAs the Day to help support its annual recreation week for injured military service members and their families. Occasional donations have been made to help support legal advocacy efforts on issues that affect the community.

However, in considering those and other possible worthwhile causes, the Board of Directors determined that there was a need for a formal policy with uniform standards, guidelines and procedures for donation determinations to ensure timely, well-informed and sound decisions.

Accordingly, the Board has established such a policy. Requests and recommendations for donations will be decided by the Board in accordance with applicable authorities, guidance, standards and procedures. Applicable authorities include BBLA's Bylaws and Section 501(c)(4) of the Internal Revenue Code since BBLA is a 501(c)(4) organization. In implementing this policy, a Donation Review Committee has been established to gather, review and evaluate relevant information and make recommendations to the Board. All donation determinations will be reported to the membership at the Annual Meeting in accordance with the Bylaws. The policy will be posted on the BBLA website.

### **Smart 911 Program Can Save Lives**

The Town has joined Sussex County in offering residents a time-saving and possibly life-saving program to help them plan ahead for emergencies. The program, named Smart 911, enables first responders to access important and sometimes vital information about subscribers when a call is made to 911.

Subscribers to the free program create a household profile containing information they believe may be important in an emergency. Typical information can include such things as addresses, names and ages of residents, number and type of pets, if any, phone numbers, medical conditions, medications, emergency contact information and vehicle information. The profile even has the capability of storing photos, which can be crucial in a missing child situation, for example. Users control their information by entering it privately and securely online. The pre-loaded information is then relayed to first responders by dispatchers when a call is made to 911.

In emergency situations, callers may not be able to provide essential information that first responders need to act quickly and effectively. Smart 911 can be extremely important in such situations. To learn more or to sign up, click on the Smart 911 icon on the Town Website ([www.townofbethanybeach.com](http://www.townofbethanybeach.com)) or visit [www.smart911.com](http://www.smart911.com).

### **An Alert for Property Owners East of Route 1**

The Council is considering adding a new Section 425-26 to Chapter 425 (Zoning) of the Town Code that would affect property owners on the east side of Route 1 who are considering new residential construction projects or major renovations. The draft provision, proposed by the Planning Commission, would regulate bulk density in the R-1, R-1A and R-1B zoning districts.

The Council considered the proposal at a sparsely attended workshop in October and public hearing in November. Similarly, there was little public interest evident when the matter was considered at open Planning commission meetings despite advance notices and invitations for comments. Both the Commission and the Council would welcome public input on the proposed Code provision.

The proposed ordinance is available for inspection in Town Hall, Monday through Friday, from 8:00 a.m. – 4:00 p.m., (except on scheduled holidays), and is also available for review at: <http://townofbethanybeach.com/DocumentCenter/View/1945>. The Council is planning at least one more public hearing in the Spring. Comments may be sent via e-mail to: [admin@townofbethanybeach.com](mailto:admin@townofbethanybeach.com). In the subject line it would be helpful to note: "Comments on bulk density proposal."

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