

Town Of Dewey Beach  
Minutes of October 13, 2012 9:00 AM  
Monthly Town Commissioners Meeting

**A regular meeting of the Dewey Beach Town Council was held at 9:00 a.m. on Saturday, October 13, 2012 at the Dewey Beach Lifesaving Station.**

Mayor Hanson called the meeting to order and led the Pledge.  
Mayor Hanson asked for a Moment of Silence.

**Present: Mayor Diane Hanson, Commissioners Anna Legates, Gary Mauler, and Courtney Riordan, Town Attorney Fred Townsend and Acting Town Manager Marc Appelbaum**

**Announcements:**

Mayor Hanson gave an update on the AG complaints (Video Recording Mark 5:57) She stated that a response has been sent in to the Attorney General on the Tush complaint and the town is in the process of responding to the Claybrook complaint and that it will be into the AG's office soon.

**Commissioner Mauler made the motion to table the Comprehensive Plan update. Commissioner Riordan seconded. (VRM 7:11)**

**The motion carried unanimously.**

Acting Town Manager, Marc Appelbaum gave the update on the Board of Ethics (VRM 8:25) He stated that he would like to recommend two things:

1. For the town to ask for a one time option to give it back within the first 18 months to the state if it becomes too much of a burden for the town to handle.
2. Ask for the criteria of no more than 2 residents and 3 non-residents on the Board.

Acting Town Manger, Marc Appelbaum gave the update on the Accommodations Tax (VRM 11:40) He stated that the Accommodations Tax is due on October 15, 2012.

Beverly Corelle gave an update on the Election results. (VRM 21:30) She stated that there was a glitch with the absentee ballots where 36 returned ballots had not been counted in the ending results. She stated that although 36 ballots was not a number that would change the results of the election, the goal of the Board of Elections and the Election Committee is that every ballot is important, every voter that is eligible has the right to vote and every vote that is done properly needed to be counted. She stated that the Board of Elections held a meeting that was properly noticed and the amended totals were sent out. She stated that she offered her sincere apology for the error and stated that it was corrected in a legal fashion and in as timely a manner as possible.

## **ADOPTION OF THE AGENDA**

Mayor Hanson stated that there was one amendment which was item #5 that will be updated by Commissioner Riordan instead of the Acting Town Manager.

**Commissioner Legates made the motion to adopt the agenda as amended.  
Commissioner Riordan seconded.**

**The motion passed unanimously.**

## **APPROVAL OF MINUTES**

**September 7**

**Commissioner Legates made the motion to approve the September 7 minutes.  
Commissioner Mauler seconded.**

**The motion carried unanimously.**

## **PUBLIC HEARING**

- **An Ordinance to amend Chapter 185, ZONING, SECTION 185-25 OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE, 2005, AS AMENDED, RELATING TO CHARITABLE GAMING**

Mayor Hanson opened up the public hearing. (VRM 33:20) Mayor Hanson stated that an ordinance limiting Charitable Gaming was introduced in the spring of 2010 and a public hearing was held in July 2010. She stated that approximately 100 property owners showed up for the meeting which was held at the Lions Club and the majority was in favor of the limitations. Mayor Hanson outlined the changes in the ordinance. (VRM 38:17)

There was a lengthy discussion on the topic.

**Commissioner Legates made the motion to address the ordinance stated on the agenda because it is not a significant change and is compliant with the code. (VRM 58:47) Commissioner Mauler seconded.**

**The motion carried unanimously.**

Mayor Hanson asked if there was anyone who was in favor of the ordinance that would like to speak.

Linda Winton, Swedes St, stated that she was in favor of the ordinance to strengthen the limits on non-profit gambling in town.

Marsha Schieck, Saulsbury St, stated that she was in favor of the ordinance.

Joan Claybrook, Mckinley St., stated that she is in favor of the ordinance and believes there should be no gambling in the town at all.

Dale Cooke, Chesapeake St., stated that he is in favor of the ordinance and would be in favor of banning all gambling in the town with the exception of fraternal organizations that have 50/50 raffles and those types of events in their meetings.

Fred Townsend stated that he doesn't feel that those things come under the definition stated in the ordinance.

Allen Winton, Swedes St. stated that he agrees with Joan Claybrook and Dale Cooke and feels that maybe 50/50 events from fraternal organizations should be written into the ordinance as an exemption.

Susan Slye, Bayard Ave, stated that she supports the effort to strengthen the prohibitions on charitable gaming and feels there should be no charitable gaming in Dewey Beach at all.

Marsha Schieck, Saulsbury St., stated that to avoid loopholes all charitable gaming should be eliminated.

Mayor Hanson asked if there was anyone who opposed the ordinance who would like to speak. There was no one who opposed that came forward to speak.

**Commissioner Legates made the motion to close the public hearing. (VRM 1:10:15)**  
**Commissioner Riordan seconded.**

**The motion carried unanimously.**

## **REGULAR AGENDA**

- 1. Discuss and possibly vote on an Ordinance to amend Chapter 185, ZONING, SECTION 185-25 OF THE MUNICIPAL CODE OF THE DEWEY BEACH, DELAWARE, 2005 AS AMENDED, RELATING TO CHARITABLE GAMING:**

**Commissioner Riordan made the motion to accept the ordinance as amended. (1:10:37)**  
**Commissioner Legates seconded.**

### **The vote:**

**Commissioner Legates: Yes** – She stated for reasons that the legislatures are looking at the borders of Delaware, New Castle County and the beach area to expand for revenue builders and is for tightening up the Ordinance against this.

**Commissioner Mauler: Yes** – He stated that he lives about four miles from the new Maryland Live Gambling Casino and has seen crime increase. He stated that he is in favor of this because it is put in place to keep things from getting out of hand as he has seen happen before.

**Mayor Hanson: Yes** – She stated that she is in favor of everything that has been said and that she has tried to get the ordinance passed for two years for a variety of reasons and one mostly being because the people of Dewey Beach just do not want gambling.

**Commissioner Riordan: Yes** – He stated he is for it for the same reasons as stated by the others and because this is an insignificant change.

**The motion carried unanimously.**

**2. Update on building permit and code enforcement process regarding Ruddertowne project. Discuss and possibly vote to approve to contract an engineering/project management firm to provide project management and oversight for the Town's benefit:**

Marc Appelbaum, Acting Town Manager, gave the update on the building permit and code enforcement process regarding the Ruddertowne project. (VRM 1:15:46) He stated that it is his job to fulfill the town's commitment to the MAR and have met with Dewey Beach Enterprises and had productive meetings. He stated that it was decided to have monthly meetings together to help to ensure a smooth process. He stated that he had two things he wanted Council to consider (VRM 1:23:13)

1. Using some of the money from the DBE building permit fee, \$480,000, and hiring an independent firm to evaluate the process.
2. Impact Studies – Should they be done or have they been done

There was a lengthy discussion on the topic.

**Commissioner Legates made the motion to authorize the Acting Town Manager to put out a RFP for an engineering firm to oversee the Ruddertowne project. Commissioner Mauler seconded. (VRM 1:36:20)**

**The motion carried unanimously.**

Joan Claybrook, McKinley St., asked why the Impact studies had not been done on the Ruddertowne project. (VRM1:42:41)

Marsha Schieck, Carolina St., stated that she thinks Council should direct the town manager or legal council to do impact studies because it is important to know exactly what impact and county provisions or requirements are for development of this size.

Joan Claybrook, McKinley St., stated that she would like to have the Council vote if not today then at the next meeting to require that Impact Studies be done that is appropriate for this size and difficulty of this project and location.

There was a lengthy discussion on the topic.

Dave Davis, Swedes St., stated that he is concerned if there has been no performance bond posted and there is work going on. He stated that is a town issue that should be looked into and is a direct violation.

Fred Townsend, Town Attorney, stated that the timing of the posting of the bond may not be that specific. He stated that it cannot be said there has been a breach of the MAR with confidence and that caution of the discussion should be exercised. (VRM 2:04:25)

**3. Discuss and possibly vote to approve a vision statement for the 2012-2013 Town Council:**

Mayor Hanson stated that a vision is a desired future state of the town that Council would like to see and is not goals that are more specific.(VRM 1:05:22) She stated that it is expected that committee goals will compliment the vision as they move forward with their work throughout the year. Mayor Hanson read the Council's vision statement.

There was a lengthy discussion on the topic.

**Commissioner Mauler made the motion to approve the vision statement with the edit to #8 that would add between the town, the citizens and the businesses. Commissioner Riordan seconded. (VRM 2:15:50)**

**The motion carried unanimously.**

**4. Discuss and possibly vote to appoint additional committee chairs and committee members for a one-year term beginning October 2012 and to approve each committee's goals and objectives:**

**Commissioner Mauler made the motion to approve Gary McLhenny as Co-Chair of the Public Safety Committee. Commissioner Riordan seconded. (VRM 2:16:40)**

**The motion carried unanimously.**

Mayor Hanson stated that Marie Hutton, Rob Marshall and Regan Derrickson agreed to be a part of the Marketing Committee.

**Commissioner Mauler made the motion to accept the members into the Marketing Committee. Commissioner Legates seconded. (VRM 2:18:15)**

**The motion carried unanimously.**

**Commissioner Mauler made the motion to accept the committees' goals and objectives as presented. (VRM 2:18:42) Commissioner Riordan seconded.**

**The motion carried unanimously.**

**5. Legal process and billing update.**

Commissioner Riordan gave the update on the legal process and billing. (VRM 2:22:08)

**6. Discuss and possibly vote to appoint a point person for personnel, legal, and the comprehensive development plan.**

(VRM 2: 29:48) Mayor Hanson stated that she recommended Commissioner Joy Howell as the legal liaison with Commissioner Courtney Riordan as the backup. Mayor Hanson stated that she recommended Commissioner Gary Mauler as the point person for the Comprehensive Development Plan with Commissioner Anna Legates at the backup.

Mayor Hanson stated that she has been the point person for personnel in the past and is willing to continue.

There was a lengthy discussion on the topic.

**Commissioner Riordan made the motion to have Commissioner Howell as the point person for legal issues with Commissioner Riordan as the second person, Commissioner Mauler as the point person for the Comprehensive Development Plan with Commissioner Legates as the second person and Mayor Hanson as the point person for personnel issues. (VRM 2:34:29) Commissioner Mauler seconded.**

**The motion carried unanimously.**

**7. Discuss recommended Town Council Meeting guidelines:**

Marc Appelbaum, Acting Town Manager, stated that he would like council to consider the guidelines to create a more efficient process of preparing for the meetings.

**8. Discuss and possibly vote to approve year round employee bonuses per Resolution 138.**

(VRM 2:40:27) Marc Appelbaum stated that it is his recommendation and also the recommendation of Chief Sam Mackert to issue employee bonuses per Resolution 138. He stated that they believed it would be in the town's best interest.

Mayor Hanson stated that it was her recommendation to move forward with the Town Manager's recommendation.

Commissioner Legates stated that she spoke with Don Ziegler, Audit Committee, and he felt that the bonuses should be given to the employees but Resolution 138 should be looked at and possibly become performance bases. She stated that she supports the idea of doing this but would like to hear what other members of Council have to say.

Commissioner Mauler stated that this was all foreign to him and from his point of view, pay an honest wage and that is what you should get. He stated that going forward he would like to see it move to something other than "here is your money". He stated that he is not comfortable with this but will go along with the crowd. He stated that anyone who does something outstanding should be recognized and it would also encourage other employees to be on the lookout for ways to improve the town.

**Commissioner Legates made the motion to approve the bonus per Resolution 138 with the exception of employee #1 and employee #2 and \$125 for employee #3. Commissioner Mauler seconded.**

**The motion carried unanimously.**

## **REPORTS**

- **Police: No report**
- **Finance:** Marc Appelbaum gave the finance report. He stated that for August 2012 the town fell short on revenue \$65,000 and is approximately \$135,000 short on revenue. He stated that on expenses the town overspent per budget approximately \$64,000 and is approximately over \$4,000 for the year. He stated that September's figures will come soon.
- **Town Manager:** Marc Appelbaum stated that he has enjoyed the process.

## **PUBLIC COMMENTS**

Larry Silver, Van Dyke St, stated that he personally thinks Council should go back to the Audit Committee Chair, Don Ziegler and the Audit committee and ask them to go back to the auditor and present the information that was not given to them by the former Director of Finance.

Joan Claybrook, Mckinley St., stated that she wanted to oppose Marc Appelbaum's proposal letter to Janet Wright for a 1 ½ year trial. She stated that 1 ½ years is not enough time, it puts tremendous burden on the ones asked to run this committee. She stated she thinks it sets them up for failure and is a lousy idea. She stated that in regards to the MAR and the development there should be clarity on what studies are required by the state and what studies the town has authority to require.

Dale Cooke, Chesapeake St., stated that there are quite a few people who have a 5 year lease who have been voting for many years who won't be able to vote when their lease runs out if Council continues with the changes they are making. He stated that he would like to suggest that Council address this publically.

## **COMMISSIONERS COMMENTS**

**Commissioner Howell:** Not Present

**Commissioner Riordan:** No Comment

**Mayor Hanson:** She stated that she had spoken with Chief Mackert about Alvin Huffman, Maintenance Supervisor and Frank Johnson, Parking Supervisor to look at all the signs in town this winter.

**Commissioner Mauler:** No Comment

**Commissioner Legates:** She stated that she wanted to thank the Town Manager for all the initiatives that are taking place at Town Hall.

**Commissioner Mauler made the motion to adjourn the meeting. Commissioner Riordan seconded.**

**The motion carried unanimously.**

**Meeting Adjourned-----**

\* These minutes are supplemented by an audio-video record of the meeting which will be maintained by Town Hall for reference and can be viewed/heard on the town website. The audio-video records will be purged from time to time.

Respectfully Submitted,

Marc Appelbaum  
Acting Town Manager

Approved: December 8, 2012



