

**MINUTES of the REGULAR TOWN COUNCIL MEETING**  
**OCTOBER 11, 2016 @ 7:00 PM**  
**32 WEST AVENUE**  
**OCEAN VIEW, DELAWARE 19970**

**1. CALL TO ORDER**

Mayor Curran called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**.

*Present:* Council Members Bill Olsen, Frank Twardzik, Tom Maly and Carol Bodine. Town Manager Dianne Vogel, Town Administrative Official Charles McMullen, Finance Director Lee Brubaker, Chief Kenneth McLaughlin, Town Clerk Donna Schwartz and Town Solicitor Dennis Schrader.

**2. PUBLIC HEARING –**

- A. Mayor Curran introduced a First Reading of an Ordinance repealing Chapter 28 of the Ocean View Code and providing for a revised personnel system for the Town of Ocean View.**

No discussion or comments were made from the Town Council or the public.

- B. Mayor Curran introduced a First Reading of an Ordinance repealing Chapter 36 of the Ocean View Code entitled “Police Pension Fund.”**

No discussion or comments were made from the Town Council or the public.

- C. Mayor Curran introduced a First Reading of an Ordinance amending Ocean View Code Chapter 210, Vehicles and Traffic, to reduce speed limits on certain streets within the Town of Ocean View.**

There was discussion among the Council Members regarding some other streets in Town not included on this ordinance and some will be considered for amendment following prior approval of change from DelDOT. Town Administrative Official Charles McMullen noted that Central Avenue from Atlantic Avenue (SR26) to Windmill should be added under Item D. No comments were made by the public.

**3. ADOPTION OF AGENDA**

A motion was made by Council Member Bodine, seconded by Council Member Maly, to adopt the agenda as amended moving Item# 9B following the audit presentation. The motion carried unanimously 5/0.

**4. APPROVAL OF MINUTES**

A motion was made by Council Member Olsen, seconded by Council Member Bodine, to approve the minutes of the regular meeting held on September 13, 2016. The motion carried unanimously 5/0.

**5. COMMUNICATIONS AND PRESENTATIONS**

- A. Finance Director Lee Brubaker introduced Ashely Stern of PKS & Company, P.A. who gave a brief overview of the audit report for FY2016. She stated that the firm found no material weaknesses or significant deficiencies in the Town books. A motion was made**

Council Member Bodine, seconded by Council Member Twardzik to adopt the completed financial audit report for FY2016. The motion carried unanimously 5/0.

**6. REPORTS**

**A. Financial (Lee Brubaker)**

Report received and filed. Council Member Twardzik questioned whether there were still any properties in Town not connected to the water system. Mr. Brubaker replied that there were two properties not connected. He also noted that there are steep penalties and interest which have accrued on those properties.

**B. Public Safety Report (Chief McLaughlin)**

Report received and filed. Chief McLaughlin gave his report ahead of Mr. Brubaker this month. Council Member Bodine congratulated Chief McLaughlin on his achievements. Council Member Twardzik commented that the safety of the citizens of Ocean View was related to Chief McLaughlin and his leadership.

**C. Town Administrative Official's and Public Works Department Report (Charles McMullen)**

Report received and filed.

**D. Town Manager's Report (Dianne Vogel)**

Report received and filed.

**E. Council Members – None**

**7. CITIZENS' PRIVILEGE ON THE PREPUBLISHED AGENDA - None**

**8. OLD BUSINESS –**

**A. Discussion, Consideration, and Possible Voting on a draft of the Municipal-Wide Discount Ambulance Subscription Service Agreement.**

Mayor Curran stated this was the final draft agreement. Town Manager Vogel noted that there had been a few minor changes to the agreement. She also commented that MVFC does have some insurance in place already and that has been provided for in the draft. Council Member Twardzik asked if the fee had remained the same at \$35. He also questioned if the MVFC would accept additional donations. Mayor Curran replied yes to both questions. He also said the subscription program for the unincorporated areas is still in place. Council Member Maly asked what percent the MVFC district sign up for the subscription rate. Chief Scott replied about 35%. Mr. Maly asked Chief Scott how he was going to collect the fee from the owners in unincorporated areas of the region. Chief Scott stated they were going to start a similar program with HOA's in the unincorporated sections of their district. Chief Scott said those who do not sign up will be billed approximately \$750 per ambulance call. Mr. Maly also asked how the issue was being handled at the county level. Chief Scott replied there was no progress at this time. Mayor Curran said he expects very slow progress on this topic with the Sussex County Council.

Mayor Curran offered the following statement. “The purpose of this Town Council is to do what is best for the majority of residents of Ocean View. There are times, however, when the minority point of view needs to be given serious consideration, especially if it is a distraction and nuisance. The fire siren is just such an issue.

Some residents of Ocean View who live near the fire siren have been bothered by the noise and have been complaining for years. Over the last two years, I and the other members of this Council have paid closer attention to the issue and initiated discussions with the MVFC, specifically Fire Chief Doug Scott and also John Watson, EMS Chief. A year ago they agreed to make changes to the hours of operation of the siren, limiting it to 7:00 AM through 9:00 PM and that was helpful however the larger question of whether, in these times of electronic communication, the siren was really needed, still exists.

Last week, Dianne Vogel, Carol Bodine and I met with Chief Scott and Chief Watson to discuss the latest draft of the Discount Ambulance Subscription Agreement. That meeting resulted in the presentation that was made here about that proposal. After that meeting, I met alone with Chief Scott and Chief Watson and discussed the fire siren. I was quite blunt in telling them that the Town Council can see no logical reason for continuing to use the fire siren for notification to volunteers since the electronic communications system is faster. Furthermore, the Town Council feels that the Fire Department should schedule on-call shifts for its volunteers. That would ensure that at least the minimum of critical people would always be available on any specific shift. I also told them the Town Council was seriously considering withholding funds from the Fire Company if they wouldn't cooperate. I also told them that the siren should remain in place and be used as a Civil Defense warning and the MVFC would still have the ability to use it as a back-up alert if their electronic communication failed, a real, if remote possibility. Chief Scott told me that isn't possible. If they can't use the siren it would have to be shut down and can't be restarted on an intermittent basis. Quite frankly, I don't understand why it can't be used as back-up.

The MVFC won't agree to any change to the fire siren unless the Town of Ocean View sends them a letter telling them they are going to withhold funds from the MVFC unless the siren is discontinued. If they receive that letter they will bring it to their membership for discussion. Chief Scott made it clear that he feels strongly that the siren is still needed. He also implied that they will use public empathy to fight back, indicating that the Town of Ocean View will be painted as not caring about the safety of the majority in order to pander to the minority who complain and we, the Town, are “blackmailing” them. If I have misstated any of his positions on this topic, Chief Scott is here and I welcome him to clarify anything he feels I may have misstated.

Given the MVFC's position on this topic, let me set forth the current position of the Town Council, subject to further discussion and input.

The Town wants the fire siren to remain in place and be used as a back-up only for the Fire Department when electronic communications fail. (We want a log kept of any such failures to ensure no abuse of the system.)

We believe that a schedule of shifts should be set for the Fire Department volunteers. This will aid in coverage of fire events.

It is important for everyone to understand that the MVFC, Inc. is a single organization but the accounting and for all practical matters, the operation of the Ambulance Service is separate and distinct from the Fire Service. The proposed Discount Ambulance Subscription Service is solely to provide payroll for the Ambulance service to be able to provide additional shifts and cannot be used for any other purpose in accordance with our proposed Agreement. These EMT's are paid, full time people and are on duty when a call comes in. THEY DON'T USE NOR NEED THE FIRE SIREN. The fire siren is an issue for the Fire Department side of the organization.

It is the Town's position that by approving the new Discount Ambulance Subscription Agreement, we are doing the right thing in order to protect our citizens in their biggest area of need. The medical/ambulance calls are growing in all areas. Furthermore we are being consistent with the concept of the Town paying its share of this vital service, even though the unincorporated areas around the Town do not.

<u>August 2016</u>	Total calls - 304	
Ambulance calls	263	
Fire calls	41	
OV	39	13%
Millville	81	27%
Unincorporated	129	42%
Out of district	14	4%

The money that the Town currently gives to the MVFC is a grant that the Town set through an Ordinance. That money has always been used to purchase capital items and never been used for payroll or personnel items. Going forward, the total amount of money to be given in a single year will be capped via an amendment to the Ordinance.

We have three directions to go on this issue.

- 1) If the Fire Department insists on refusing to modify the use of the siren as we request, then the Town will amend or delete the current Ordinance and no longer pay money into the fire department side of the organization.
- 2) Make the use of the siren a referendum issue in the next town election, April 2017.
- 3) Do nothing.”

Chief Scott graciously thanked Council for their support over the years with the many donations from the Town's Emergency Enhancement Grant Fund. Chief Scott responded to Mayor Curran's statement saying he thought it inappropriate to mix the ambulance fee which is a service they deliver and the fire siren which is a public safety issue. He stated he thinks they are two separate issues. Chief Scott said MVFC will look at the possibility of scheduling volunteer shifts as the Mayor suggested. Chief Scott reminded Council that the fund was set up to help relieve the burden area growth was putting on the MVFC. He apologized for the upset the siren has created saying it is used

for fire calls and explained that the siren is connected to the 911 dispatch center in Georgetown. He said, as the Fire Chief he wants to ensure everyone gets a proper response and in his mind the fire siren is a necessary part of protecting public safety. It is programmed to be used only during the hours agreed to between the Town and MVFC. Chief Scott said the EMS crews carry radios so the fire siren is only used for fire calls.

Council Member Bodine asked why the one siren at the fire house isn't enough. Chief Scott responded it is coverage and distance. Council Member Maly asked if any thought had ever been given to relocating the siren. Chief Scott replied it had not, but felt that would only transfer the problem to a new group of people. Council Member also asked Chief Scott if the pitch and/or elevation could be adjusted. Chief Scott replied he didn't believe so. Council Member Twardzik asked Chief Scott about the funding the MVFC gets from the Town of Ocean View. Chief Scott replied he thought it was over \$100,000. Mr. Brubaker indicated on the finance report the actual amount. Council Member Twardzik then asked about the Town of Millville. Chief Scott stated they now have a program similar to Ocean View and the amount is dedicated to the MVFC. He said they are trying to keep up with growth.

Mayor Curran suggested delaying a vote on the ambulance fee until the next meeting.

**9. NEW BUSINESS**

**A. Introduction of Ordinance(s) - None**

**B. Discussion, Consideration, and Possible Voting to Accept FY2016 Audit Report.**

The vote on this item was moved to Item #5, Communications and Presentations.

**10. CITIZENS' PRIVILEGE –**

Steve Cobb, West Avenue, asked if there was verbiage in the ambulance agreement requiring MVFC to have more than one shift all the time. Mayor Curran said there was no particular language in the agreement. Mr. Cobb said he supports the \$35 fee. He also commented that the Enhancement Fund does not have the name of MVFC written on it. He said his understanding is that it is a grant and can be given to whomever applies and/or qualifies. Mr. Cobb also suggested perhaps a 90-day trial suspension of fire siren should be considered.

**11. EXECUTIVE SESSION - None**

**12. ADJOURNMENT**

A motion was made by Council Member Bodine, seconded by Council Member Olsen, to adjourn the meeting at 8:20pm. The motion carried unanimously 5/0.

Respectfully submitted,  
Donna M. Schwartz, Town Clerk