

**TOWN OF SOUTH BETHANY
TOWN COUNCIL WORKSHOP MEETING MINUTES
SEPTEMBER 27, 2012**

ATTENDANCE

PRESENT: Mayor Kathy Jankowski; Councilpersons Al Rae, Jim Gross, Pat Voveris, George Junkin, Sue Callaway, and Mark Damato; and Town Manager Melvin Cusick

MEETING CALLED TO ORDER

Mayor Jankowski called the September 27, 2012, Town Council Workshop Meeting to order at 5:00 p.m.

PUBLIC COMMENT PERIOD

There were no comments from the public.

BUDDGET AND FINANCE COMMITTEE REPORT

Councilwoman Voveris reviewed the Budget and Finance Committee Meeting Minutes of September 7, 2012, which can be viewed on the Budget and Finance page of the Town's website.

Councilwoman Voveris is hoping to bring a financial policy from the Budget and Finance Committee to the Council in November to see if Council wants to pursue it.

Since the September 7 Budget and Finance Committee meeting, the number of delinquent property tax accounts has dropped from 18 to 15.

Councilwoman Voveris will be making a recommendation to Council that the Town not have a recycle reserve and move that money to long-term. Councilman Gross suggested using the funds in the recycle reserve to reduce the annual cost to property owners. Councilman Junkin added that when the recycle reserve was created Council said that if the Town ends up with money in the recycle reserve it would be used to defray the cost of the recycle bill the coming year. Councilwoman Voveris will pass this information onto the Budget and Finance Committee, and whatever recommendation the committee brings, Council can vote on.

Councilwoman Voveris reported that 60% of the budgeted rental revenues have been collected which is more than at this same time last year.

The next Budget and Finance Committee meeting is scheduled for October 19.

TRASH/RECYCLING/YARD WASTE DISCUSSION WITH REPRESENTATIVE FROM ALLIED WASTE

The Town Manager introduced Allied Waste representatives Glenn Kavanagh and Don Groseclose.

The Town Manager stated that the Town five-year trash collection contract ends May 1, 2013. Whether Council decides to extend its trash contract or put it out to bid, the Town needs to have a collection schedule in place. Normally the Town puts the bid out in October or November.

Mayor Jankowski proposed the following schedule:

Trash Collection:

May and September – Monday and Saturday

June, July, and August – Monday, Thursday, and Saturday

October through April – Monday

Recycling Collection:

May through September – Every Friday

October through April – Every other Friday

Yard Waste Collection: Year round – every other Wednesday.

Councilman Gross asked if the cost per ton for trash and recycling are the same or different. Mr. Groseclose replied that the cost for trash is much more than recycling. For recycling the Town is presently priced basically for the cost of transportation of the recycling to the facility.

Councilman Gross is concerned about moving recycling from Saturday to Friday because some property owners are not in town on Fridays to get their recycling cart out. Councilman Gross did acknowledge that even with recycling on Saturday some property owners are still in violation of the Town Code regarding taking the cart out and taking it back.

Mr. Groseclose said that to have both recycling and trash collection on Saturdays would involve overtime costs which is another 20% on the cost. Mr. Groseclose stated that a home is going to generate the same amount of trash whether it is picked up once a week or seven times a week. The disposal part of the trash bill does not change regardless of how many times trash is picked up a week. The service part of the bill is what changes.

Councilman Junkin noted that in terms of tonnage the Town has significantly more trash then recycle.

Regarding recycling, Mr. Groseclose said Allied Waste has a desire to increase the participation at each home and the last 400 containers they have delivered have been 96 gallon carts, the biggest container possible. Allied Waste would like to have an opportunity to negotiate a contract with the Town for approval to bring the 96 gallon carts to the rest of South Bethany's residents to try to increase the recycling participation.

Councilwoman Voveris asked if it was possible to have the trash picked up at noon. Mr. Groseclose said it is not preferable to have the trucks out when the people are out. He said it is preferable to have the trucks out when people are in their beds sleeping or just starting to get up in the morning. Councilman Gross stated that he believes it is a disservice to have the recycling truck (which is noisy) in town as early as about 6:00 a.m. when there are renters and people with babies that come to South Bethany to rest. Mr. Groseclose stated that they have the ability to make adjustments within reason in the morning. He said that if the Town does not want the trucks in town until after 7:00 a.m. they will figure out a way to make it happen. Mr. Groseclose stated that the issue is that he does not want to put his personnel or the residents and guests in any type of jeopardy. The number one thing they look at in a project is the safety aspect of the project. Their mission is to get in, get the work done, and get out before they are in a position where it becomes more hazardous.

Councilwoman Voveris raised the question of having both trash and recycling picked up on Saturdays. Mr. Groseclose stated that it would be different drivers with different trucks for the trash and the recycling. He said the trucks are not an issue as much as the labor hours and the overtime hours versus regular hours. Mr. Groseclose stated that having trash and recycling picked up on Saturdays is not preferable but it is doable.

Councilman Gross stated that the problems in town related to trash are not going to be resolved by only changing the pickup to Saturday. Council discussed the need to enforce the Town's ordinance regarding garbage, rubbish, and recyclable materials and updating the ordinance regarding capacity of the trash container to encourage people to increase the usage. (It was noted that the 96 gallon container may not fit in the bins that property owners have built.) It was also mentioned that depending on who is working on the trucks (especially if it is a new driver) the containers are not always put back in the bins or on the property line. Also there is a problem in terms of property owners providing enough containers for the amount of trash.

Councilwoman Callaway stated that the logic of moving recycling to Saturday was so that people would pull their recycling carts back and be in compliance with the ordinance. Council agreed that people are still leaving the carts even with recycling being on Saturday.

Councilman Junkin noted that even with recycling changing to Saturdays, the tonnage on recycling has stayed pretty constant in June, July, and August – between 20 and 30 tons a month. He added that trash has been constant at 140 to 160 tons a month which is 3 ½ to 4 times as much as recycling.

Councilman Gross asked Allied Waste if the Town would have to pay for the 96 gallon carts. Mr. Groseclose said Allied Waste would spend the money for the carts, amortize the carts over 60 months, and the cost to the Town would be about 75 cents per month per container.

The Town Manager noted that there are some property owners that want the smaller container. Mr. Groseclose stated that the bigger container will increase recyclables, but property owners that have medical issues or constituents who are more senior may want the smaller container because they have a place for it, they don't want to change their habit, and they have the ability to handle it comfortably. Mr. Groseclose said that is fine and Allied Waste can service that.

Councilwoman Voveris asked the Town Manager if he preferred the schedule Mayor Jankowski is proposing. The Town Manager stated that the Town had fewer problems with a three day a week trash pickup in June, July, and August. He also noted that the season is being extended into September due partly to the events in Ocean City in September. Regarding recycling, the Town Manager believes it would be easier for property owners to follow the schedule if recycling were picked up every Friday in May and September rather than switching in mid-May and mid-September to every other week.

Councilman Rae asked if Allied Waste could price the recycling on Friday versus recycling on Saturday and trash on Monday, Thursday, and Saturday in order to see the difference in price. Mr. Groseclose stated that the Town's recycling bill did go up when recycling was moved from Friday to Saturday. If recycling is moved back to Friday and trash is moved back to Saturday it will not be a wash because the cost of trash is more, but the difference will not be substantial.

A motion was made Councilman Junkin, seconded by Councilwoman Voveris, that Council go forward with the proposed trash schedule that the Town Manager and Mayor Jankowski are proposing:

Trash Collection:

May and September – Monday and Saturday
 June, July, and August – Monday, Thursday, and Saturday
 October through April – Monday

Recycling Collection:

May through September – Every Friday
 October through April – Every other Friday.

Yard Waste Collection: Year round – every other Wednesday.

The motion was unanimously carried.

The Town Manager stated that this schedule will not take effect until May 1 which is the beginning of the Town's fiscal year, and that is when the current contract with Allied Waste ends. The Town Manager asked Council if they would like Allied Waste to come back with a proposal to extend the current contract based on the collection schedule Council approved at this meeting. Council agreed to have Allied Waste submit a proposal to see if they could negotiate the contract without going out for bids. Mr. Groseclose said that Allied Waste would submit the proposal within two weeks.

Councilman Rae asked Council what their thoughts were on the ordinance regarding garbage, rubbish, and recyclable materials. Because of the amount of trash renters generate, Councilman Damato suggested establishing a condition for the rental licenses requiring rental properties to have large capacity containers for recycling and trash. Councilman Gross believes the ordinance needs to be revised and then consider Councilman Damato's suggestion. Councilman Gross agreed to sponsor the ordinance. He will write a memo to the Charter and Code Committee by the end of October pointing out the things he believes needs to be done. Councilwoman Callaway suggested that Councilman Gross consult with the Code Enforcement Constable before writing his memo.

AWARD RFP NO. 12-04 DIFFUSER SYSTEM – PILOT PROJECT

Councilman Junkin stated that the quote from Envirotech Environmental Consulting, Inc. for the Diffuser System – Pilot Project was \$19,640.60. Electricity for one year would be \$1,800. The Town has budgeted \$23,300 for the project. Therefore, the cost is under what was budgeted.

Motion: A motion was made by Councilman Junkin, seconded by Councilwoman Callaway, that Council accept the Envirotech bid to put diffusers in the Petherton Canal.

Discussion: Councilman Rae asked if the Town Manager approves of this contract. The Town Manager stated that he did and the Town's attorney has reviewed and approved the contract.

Councilman Junkin stated that regarding permitting Envirotech's bid did not quite follow what was asked for in the RFP. Envirotech will get the permits but the Town will be responsible for paying the fees. Envirotech told Councilman Junkin the maximum cost of the permitting fees would be \$575. The permitting fees are not included in the quote from Envirotech, but even with the permitting fees the quote is lower than what was budgeted. Councilman Gross said that Council would approve the project with that understanding.

The motion was unanimously carried.

DISCUSSION OF ORDINANCE 164-12 (PARTICIPATION BY REMOTE ELECTRONIC ACCESS) AND PROTOCOL GOVERNING ABSENCES FROM TOWN COUNCIL MEETINGS POLICY

Council discussed Ordinance 164-12 and made changes to it for the Third Reading. The Third Reading will be at the October 12, 2012, Town Council Regular Meeting.

Protocol Governing Absences From Town Council Meetings Policy: Council reviewed Mayor Jankowski's proposed changes to the policy and Council made some additional changes.

Council agreed to vote on the policy after Council votes on Ordinance 164-12 at the October 12, 2012, Town Council Regular Meeting.

TOWN OF SOUTH BETHANY PURCHASING POLICY AMENDMENTS

The Town Manager explained that the proposed amendments to the Town's Purchasing Policy are a result of the changes made to the Town Charter.

Council discussed the proposed amendments and made some additional changes. Council agreed to have the Purchasing Policy retyped with the changes discussed. Council will vote on the Purchasing Policy Amendments at the October 12, 2012, Town Council Regular Meeting.

COUNCIL APPROVAL OF TWO TRIAL LIGHTS ON OCEAN DRIVE

Councilwoman Callaway presented the following proposal from the Community Enhancement Committee (CEC) regarding two trial lights on Ocean Drive:

RE: Ocean Drive Pilot Lighting Study, Town Council Workshop Meeting September 27, 2012

In follow-up to one aspect of the Ocean Drive Blueprint approved by the Town Council in October 2011, members of the Community Enhancement Committee (CEC) have continued to research and explore potential options for providing lighting on Ocean Drive. This heavily pedestrian/bike/auto-trafficked road has no lighting. In the interest of promoting safety and greater usability for South Bethany property owners and guests, the CEC scheduled a fact-finding meeting with Delmarva Power (DP).

On Tuesday, September 18, 2012, CEC members, Sue Callaway, Chair, John Speer, Ocean Drive resident and Don Chrobot, Director of Public Works met with two individuals from DP including Jim Smith, Sr. Public Affairs Manager and Doug Hudson, Engineering Fieldman and Ben Mazza, Factory Sales Representative for Holophane Lighting Solutions. Holophane is the company used by Delmarva Power to create community lighting designs and solutions.

John Speer provided the group with a map marking all locations of the 25 existing Ocean Drive light poles and a handout listing the distance specs for the streets and poles. The group conducted an on-site review of Ocean Drive and discussed potential options for providing lighting on this road. The CEC provided the following criteria: 1) limited financial resources; 2) concern for lights shining in bedroom and/or other windows; and 3) desire to provide lighting that was aesthetically pleasing and suited to the character of Ocean Drive. All representatives clearly understood our criteria and goals for this evaluation project.

The results of the meeting yielded the following information:

- *LED lighting, which casts a softer blue light, will be available next year by Delmarva Power. Ben Mazza has recently completed an LED lighting design in Lewes and we will be evaluating this installation shortly.*
- *Ben Mazza will prepare the best lighting design for Ocean Drive based on our criteria and the existing light poles.*
- *The recommended low cost "way to go" is to attach a cobra head lamp to an existing electric pole – DP will supply and install the light and maintain the light without charge to the town – costs for SB include monthly electric charges that will run \$10-\$11 per month per pole depending on the wattage selected. The arm attached to the lamp has flexibility so it can be positioned to face in the direction most favorable to that particular site on the street.*
- *DP has available decorative lamp posts, but they would require burying underground wires to the poles and purchasing lamp posts, both of which are prohibitively expensive. This option is NOT under consideration.*

The CEC is fully aware that the subject of adding street lights to any of the Town's streets may be controversial, with strong opinions on both sides. We believe however, that what we are proposing is a logical first step to determine if necessary lighting of Ocean Drive is feasible, pleasing and acceptable to all affected home owners. Acceptance of the following options should not be interpreted as condoning street lighting for The Promenade.

Proposal for Test Lighting Study on Ocean Drive:

- *Position one 70 watt cobra lamp on N. 2nd Street.*
- *Position one 100 watt cobra lamp on S. 5th Street (as suggested by Councilwoman Voveris).*
- *Test these two lights for a 3-month period.*
- *Minimal costs of \$10-\$11 per month for test period – Maximum total costs – \$63.*
- *Evaluate impact of test lighting project at end of 3-month period.*
- *Review Lighting Design prepared by Ben Mazza.*
- *Further explore the possibility of seasonal (six months on – six months off) lighting (DP is already reviewing this option*

Councilwoman Callaway has confirmed with Delmarva Power that seasonal lighting is not an option.

Councilwoman Callaway noted that Delmarva Power is going through vendor bidding regarding LED lights. LED lights will not be available through Delmarva Power for a year; therefore the experiment will not be with LED lights. Councilman Junkin believes that if the Town is going to do an experiment and try to determine the effects of these lights, the right thing to use is LED lights because they put out a nicer light than incandescent light bulbs. He added that the Town would be using old technology if it does not use LED lights for the experiment.

Councilwoman Callaway noted that of the current street lights in South Bethany, two are 100 watts and the rest are either 175 watts or 250 watts.

Councilman Rae suggested experimenting with existing street lights. Councilwoman Callaway stated that the lighting affect will be different on different streets. The idea is to test it for Ocean Drive so that property owners on Ocean Drive can see what lighting would be like on their street.

Councilman Rae noted that on this subject in the Town Survey, 69% of those who had an opinion said that having more street lights was not needed or wanted.

Councilman Rae suggested surveying the property owners on Ocean Drive. Councilman Gross believes an unbiased survey of all property owners should be done before moving any further because all of the property owners are going to have to pay for the expense. Councilman Gross suggested that the survey would include a document that would give the rationale for doing the test, would give the 2011 Town Survey results, and it would include the projected costs. Councilwoman Voveris disagreed that all property owners should be surveyed noting that property owners on Ocean Drive currently pay for lighting in other areas of South Bethany.

Councilman Junkin stated that in the next three months there will not be many people in South Bethany so the Town may not get a very good test.

Mayor Jankowski asked the Town Manager to give a history of how requests for street lights have been handled. The Town Manager stated that street lights are very controversial. For the last street light that was requested by a property owner, the Council required the property owner to get a petition from all of the surrounding people who would be affected by the light and then Council voted on whether to approve the street light or not. Council did approve the street light. There was a gentleman that opposed that light because of the cost to tax payers.

Regarding the results of the 2011 Town Survey on this subject, Councilman Damato said it is unknown which property owners submitted surveys and the data may be skewed. Councilman Damato is concerned that those who live on Ocean Drive may want the street lights.

Mayor Jankowski (who worked on preparing the 2011 Town Survey as a member of the Planning Commission) said the question on street lights in the Town Survey was an overall question and did not specifically address lighting that would provide an ambiance on Ocean Drive. Mayor Jankowski believes the Town needs to survey and educate the property owners regarding this.

Councilwoman Callaway stated that she was thinking that if Council approves the test, the Town would send notification of the test to all property owners on Ocean Drive asking them to take a look at the lights.

If the test is approved, the two test lights will be at the following locations: 502 S. Ocean Drive and 2 N. 2nd St. Four surrounding neighbors at these locations will be contacted for their approval of the test lights.

Motion: A motion was made by Councilwoman Callaway, seconded by Councilman Damato, that the Town do two trial test lights on Ocean Drive per getting approval from surrounding neighbors at each location consistent with the Town's guidelines for street lights.

Discussion: Councilman Gross asked if there is an understanding that the Town will do a survey of all property owners before initiating a full project. Councilman Rae suggested just surveying property owners on Ocean Drive. Councilman Junkin suggested Council be consistent with the way it has previously handled a request for a street light as described by the Town Manager earlier in this meeting. It was decided to follow the Town's standard procedure for getting approval from surrounding neighbors. Therefore, a letter will be sent to the owners of the surrounding properties with a description of the street light test and a form for the property owners to return to Town Hall indicating if they are in favor of the street light test or not in favor of the street light test. Council agreed that a motion was not needed at this time.

Mayor Jankowski said this should be on the October 25 Town Council Workshop Meeting Agenda to decide if Council is going to go forward with the test.

PUBLIC COMMENT PERIOD

There were no comments from the public.

ADJOURNMENT

A motion was made by Councilman Junkin, seconded by Councilwoman Voveris, to adjourn the September 27, 2012, Town Council Workshop Meeting at 7:35 p.m.

phs:Workshop Minutes.9.27.12 Amended 10.25.12