

**MINUTES
COMMISSIONERS OF BRIDGEVILLE
MARCH 10, 2014
TOWN HALL**

I. OPEN SESSION CALL TO ORDER

Commissioner Tassone made a motion to come out of Executive Session at 7:00 P.M. Commissioner Kovack seconded the motion. Motion carried. The Commissioners came out of Executive Session at 7:00 P.M.

Solicitor Schrader advised the five Commissioners of Bridgeville, Town Manager, Secretary and Solicitor went into Executive Session at 6:32 P.M. to discuss personnel. No votes or actions were taken during the Executive Session.

The meeting began with the Pledge of Allegiance and prayer.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville; all five Commissioners are in attendance.

III. COMMISSIONER OATHS OF OFFICE

Town Manager Savage administered the Oaths of Office to three returning Commissioners, Pat Correll, Jay Mervine and Lawrence Tassone, as their seats were uncontested in the March 1, 2014 Municipal Election. They will serve a two-year term until March of 2016.

IV. APPOINTMENT OF COMMISSION OFFICERS AND STAFF

Town Manager Savage advised this is the time for the annual reorganization meeting, according to the Town Charter. Commissioner Tassone made a motion to continue with the same Commission positions as the Town has had for the past two years. President – Pat Correll; President Pro Temp – Jay Mervine; Secretary – Lawrence Tassone. The motion failed for lack of a second.

Commissioner Mervine advised he has been pleased to serve on the leadership team for the past several years. He believes that President Pat Correll has been a wonderful ambassador for the Town and has always had the Town's best interests and that Secretary Tassone has done an excellent job with his duties and his added interest in business development activities; however, Commissioner Mervine would like to step back from the Pro Temp position due to his obligations to his employer.

Commissioner Mervine made a motion to elect Pat Correll as President, Lawrence Tassone as Secretary, Sharon McDowell as President Pro Temp, Jesse Savage as Town Manager and Finance Director and Dennis Schrader as Town Solicitor. Commissioner Kovack seconded the motion; motion carried 4 to 1.

President Correll thanked the Commissioners for allowing her to serve as President. She advised there is an exciting year ahead for the Town and she will do her best in this position.

V. APPROVAL OF AGENDA

President Correll asked to approve the Agenda with the following changes: move the Woodbridge High School Presentation and the Passwaters Holding Company Zoning Ordinance up earlier in the Agenda tonight.

Motion to approve Agenda as amended – Tassone; 2nd – Mervine; motion carried.

VI. WOODBRIDGE HIGH SCHOOL PRESENTATION (Agenda item XIV. B)

Superintendent Chasanov made a special presentation of a Woodbridge sweatshirt to Town Manager (and former wrestler) Jesse Savage for his willingness to officiate a recent middle school wrestling match when the officials were a no-show.

President Correll congratulated Superintendent Chasanov for all the successful sports programs at the high school this year. She also mentioned the success of a local high school Marine JROTC sharpshooter, Tyler Ramos, who won awards locally, regionally and nation-wide.

VII. OLD BUSINESS (Agenda item XIII. A)

A. Public Hearing, Discussion and Possible Voting on AN ORDINANCE TO AMEND THE ZONING DISTRICT DESIGNATION FOR THE LANDS OF PASSWATERS HOLDING COMPANY, LLC, FROM C-1 COMMERCIAL DISTRICT TO C-1/AIOZ COMMERCIAL DISTRICT/AGRICULTURAL-INDUSTRIAL OVERLAY ZONE FOR CERTAIN PARCELS OF LAND LYING AND BEING IN THE TOWN OF BRIDGEVILLE CONSISTING OF 20.827 ACRES, MORE OR LESS.

Application by Passwaters Holding Company, LLC to rezone a 20.8 acre property, parcel #131-14.00-.44.06; recommended by the Planning and Zoning Commission for Town Commission approval. This request meets the Right to Farm law and the property will have an agricultural overlay.

Town Solicitor Schrader opened the Public Hearing at 7:14 P.M.

Mr. Ralph Root from 44 Canvasback Circle questioned the meaning of an Agricultural Overlay. Solicitor Schrader advised it allows Mr. Passwaters to farm the land.

Code Enforcement Officer (CEO) Butler understands that the commercial zoning will not change; he will merely add an agricultural overlay to the current zoning. Mr. Passwaters could sell the land to a commercial entity that could develop the land.

Solicitor Schrader advised it depends on who Mr. Passwaters would sell the property to or what he does and the proposed use of the property.

Mr. Passwaters understands that he had to come before the Commission to receive the ag overlay (allowing the land to be farmed), but they could still sell the land as commercial and drop the ag overlay. Additionally, if he sells property bringing the total acreage under 20 acres, he automatically loses the ag overlay.

The Public Hearing was closed at 7:18 P.M.

Motion to adopt Ordinance #2014B and re-name the adopted Ordinance #14-2 – Tassone; 2nd – Mervine; motion carried with a vote of 4 in favor and a recusal from President Correll because it involves her family.

VIII. APPROVAL OF MINUTES

Motion to approve February 10th Executive Session and Regular Commission meeting Minutes – Tassone; 2nd – Mervine; motion carried.

IX. CORRESPONDENCE

Letters from Nanticoke Health Services Foundation: 1) Thank you for \$2,000 gift – final installment of 3-year pledge for Cardiac Catheterization expansion project. 2) Notice of new facilities and programs with various medical services provided. 3) Certificate from Nanticoke Health Services acknowledging the Town's support as a Nanticoke Society President's Club member.

X. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – February 28, 2014
General Fund – \$177,299
Reserve Fund – \$768,553
All Accounts – \$1,103,478
Account Receivable – \$107,536
Budget Report Target – 71%
Income – \$1,754,948
Expenses – \$1,630,408
Net Income – \$124,541 to-date
Accounts Payable
Bills – \$53,645
Expected Expenses – \$170,100
Amount to be approved – \$223,745

Motion to approve the bills as presented – Tassone; 2nd – McDowell; motion carried.

XI. TOWN REPORTS

Commissioner Tassone questioned violations at Heritage Shores. CEO Butler advised the rental violations have been addressed and fines have been assessed. Concerning contractor license violations, CEO Butler has spoken with Ryan & Brookfield superintendents and will fine all violators. There are signs concerning licensure at both entrances to the development.

Commissioner Tassone mentioned the activities of the Police Department dog and the fact that 80% of the seizures are returned to the Town.

Commissioner Mervine questioned the status of the Frog Harbor blockage/flooding. It was suggested that he speak with Street Superintendent Passwaters.

XII. CITIZEN'S PRIVILEGE

Mrs. Ruth Skala from 108 Whistling Duck Dr. questioned the cost of the RBC failure. Town Manager Savage advised they will take samples when it is removed from the basin; if the wastewater can be treated to an acceptable level, it will not be replaced. With a plant upgrade in the near future; it would be prudent to determine if replacement is necessary.

Town Manager Savage answered Mrs. Skala's additional questions to say that the Economic Development line item is not new. Commissioner Tassone advised they are forming a committee that will handle the pursuit of economic activities. New federal monies have been recently allocated. Town Manager Savage added that the Town has scheduled a meeting with members of the Delaware Economic Development Office (DEDO) on Tuesday, March 18th at 8:30 A.M. for a Town Walk-through with the Commissioners. A Town Hall type meeting takes place at 9:30 A.M., after which the meeting will be opened to local business owners and citizens at 10:30 A.M.

Mrs. Skala mentioned The Star's 2014 Progress Report, which included statements from Town Manager Savage about a funding mechanism in place to build a new police station. Town Manager Savage advised at the Budget Workshop the Commissioners discussed the E.M. Funds for emergency service providers. The Code allows the Town to collect 1/2 % for emergency services; however we are currently collecting 1/4%, all of which goes to the Fire Company. The additional 1/4 % on building permits will be the funding mechanism for the debt service on a new police station. Commissioner Tassone added that the meeting where this was discussed was an open meeting.

Mrs. Skala promoted the Library fundraiser – a Disco Party on Friday evening at 7 P.M.

Mr. John Anderson asked about filling potholes on Market St. Town Manager Savage advised it is too cold currently; however, as warmer weather comes the potholes will be filled.

Mr. Mike Harrigan from 20 Amanda's Teal Dr. commended the Street Department for the snow removal in Heritage Shores. President Correll advised the Town has received commendations for the snow removal as well.

Mr. Bill Atwood from 113 Emily's Pintail Dr. commented on the Heritage Shores Phase III Preliminary Development Plan later in the Agenda. Regarding the proposed "dog park" in the next phase, he expressed concern about the need to remind property owners to pick up after their dogs, which is not being done throughout the community currently. He recommended the "dog park" be placed by the maintenance shack,

XIII. OLD BUSINESS

B. Dangerous Building Committee Report/Public Hearing – 10 Cook St., Bridgeville, DE

It is noted the owner is not in attendance at this meeting. The dwelling at 10 Cook St. has been designated as a dangerous building by a Dangerous Building Committee inspection and report. The last

known address for the owner is 10 Cook St. There are continuing attempts to notify the property owner of the Town's concern over the condition of this dwelling.

Town Solicitor Schrader advised the property was investigated in January 2014 by a committee which included Town Commissioners and neighbors and a dangerous building inspection report was completed. The property owner has been encouraged to come forward to explain why the dwelling should not be demolished. This meeting was advertised in the newspaper and a notice was placed on the property.

The Public Hearing was opened at 7:40 P.M. There being no one who wished to speak for or against the application, the Public Hearing was closed.

Motion to turn the issue over to enforcement – Tassone; 2nd – Kovack; motion carried.

C. Dollar General Purchase Agreement Amendment

Due to deed issues, Dollar General has asked the Town to extend the first review period by four months. All subsequent review periods would also be backed up the same time period.

Motion to extend all review periods by four months – Tassone; 2nd – Mervine; motion carried.

XIV. NEW BUSINESS

A. Bridgeville Kiwanis Club Proclamation – 75th Anniversary

The Town Commissioners have been invited to the Kiwanis Club's 75th Anniversary and a Proclamation has been written to present to the Kiwanis Club at their special event.

Motion to adopt – Mervine; 2nd – Tassone; motion carried.

B. Heritage Shores Phase III – Preliminary Major Development Plan Review

Town Manager Savage advised this Development Plan Review was advertised for a Public Hearing, although the Agenda does not specifically state that a Public Hearing will take place.

Project Engineer, Mr. Bob Rauch, came to represent the developer of Heritage Shores Phase 3. Detailed plans have been presented to the Planning and Zoning Commission, with their recommendation of approval to the Town Commissioners. Additionally, detailed engineering plans have been presented to the Town engineers, Davis, Bowen & Friedel, Inc.

Phase 3	Engineering concerns to be approved at the final review
Topics included:	Intention to return for final review in May and start next phase in June
	Open space uses
	Sports/Recreation adjustments – parking requirements
	Village Center – Market House/Seasonal House (operated like golf course)
	Stormwater management
	Elevation and details included in final review

No trees in the devil strips

Hiring local – Town recommends consideration – qualified and competitive

Phase 3A will be developed first with a mixture of lot styles/sizes

Commissioner Tassone advised with the 6.1 percent unemployment figure in Delaware that the developer will seek to employ Delaware contractor/workers. Mr. Rauch believes any contractor they hire will hire qualified local workers. They must work with a contractor who is adept with this size of project.

Mr. Rauch is requesting approval of the Preliminary Development Plan for Phase 3, provided that engineering is addressed and approved by the Town Engineer before the final review.

Solicitor Schrader opened the Public Hearing at 8:10 P.M.

Mr. Bill Atwood from 113 Emily's Pintail questioned the location of the "dog park". Mr. Rauch advised no location has been determined at this time. He acknowledges Mr. Atwood's feedback earlier in the evening.

Solicitor Schrader asked Mr. Rauch if there will be any increase in the number of units proposed for this phase of the project. Mr. Rauch advised there will be no increase.

There was no one in attendance who wished to speak against the development plan review; therefore, the Public Hearing was closed at 8:12 P.M.

Motion to approve the Phase 3 Preliminary Development Plan – Tassone; 2nd – Kovack; motion carried.

C. Planning and Zoning Commission (P&Z)

Annual Report – Commission President Correll thanked Planning and Zoning Commission Chairman Bill Atwood for the P&Z Commission's efforts on behalf of the Town.

Motion to accept the 2013 Planning and Zoning Commission report – Kovack; 2nd – Mervine; motion carried.

Vacancy – Commission President Correll advised P&Z member Rob Richey has resigned, leaving the Commission with seven members, an uneven amount. Commissioner Kovack recommended not filling the vacancy and continuing with seven members, unless a problem should arise. The Commissioners generally agreed with Commissioner Kovack.

D. 2014 Mosquito Control Spraying

Town Manager Savage advised the annual letter from the state has been received concerning our permission for them to spray for mosquitoes within Town limits. This is a free service.

Motion to approve state spraying – Mervine; 2nd – Kovack; motion carried.

E. Property Assessment Listing and Tax Appeal Day

Town Manager Savage advised the Town needs to formally accept the financial report from Sussex County concerning property tax rolls. It will be available for review at Town Hall and on the website. Notices are posted throughout Town advising the availability. Tax Appeal Day is scheduled on Saturday, March 22 from 1:00-2:00 P.M. Property owners may come to Town Hall to ask questions or appeal their tax amount.

Motion to accept the Bridgeville Tax Roll as presented – Tassone; 2nd – Mervine; motion carried.

F. National Drug Take-Back Day Initiative

This event is scheduled for Saturday, April 26 at the Bridgeville Fire Hall from 10:00 AM to 2:00 PM. The event gives the opportunity for people to turn –in unused or outdated medications to be disposed of properly. The event has been posted at many places throughout Town.

XV. INTRODUCTION OF ORDINANCES

There were no Ordinances to be introduced this evening.

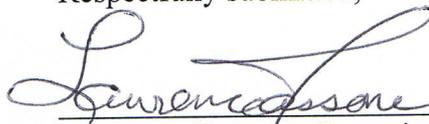
XVI. GOOD OF THE ORDER

Commissioner Tassone introduced a program that is currently in practice in Dorchester County, MD called “Smart 911.” It is designed for locating missing elderly or incapacitated residents. He will share written information with the Commissioners before they discuss it formally.

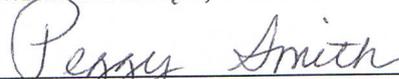
XVII. ADJOURNMENT

Motion to adjourn – Kovack; 2nd – McDowell; motion carried. The meeting was closed at 8:25 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary



Peggy Smith, Transcriptionist