

MINUTES
COMMISSIONERS OF BRIDGEVILLE
December 8, 2014 – TOWN HALL
OPEN SESSION – 7:00 P.M.

I. EXECUTIVE SESSION CALL TO ORDER

The meeting was called to order at 6:15 P.M. by President Pat Correll. Present: Commissioners Sharon McDowell, Paul Kovack, Lawrence Tassone, Town Manager Jesse Savage and Solicitor Dennis Schrader.

II. QUORUM PRESENT

President Correll reported a quorum was present to discuss the business of the Town of Bridgeville, despite the absence of Commissioner Mervine.

III. EXECUTIVE SESSION – PERSONNEL

The Commissioners discussed Personnel and no votes were taken.

IV. OPEN SESSION CALL TO ORDER

Motion for Open Session Call to Order – Tassone; 2nd – Kovack; motion carried. The Commissioners returned to Open Session at 7:00 P.M. A quorum is present to discuss the business of the Town of Bridgeville despite the absence of Commissioner Mervine. The meeting began with the Flag Salute and a moment of silence in honor of former Representative Biff Lee, who passed away this week. Representative Lee spent 22 years in the Delaware House of Representatives and did a great deal for Bridgeville.

V. POSSIBLE ACTION ON EXECUTIVE SESSION MATTERS

The Executive Session discussion will be considered later on the Agenda.

VI. APPROVAL OF MINUTES

Motion to approve the minutes from the September 19th Wastewater Workshop, the September 26th meeting to Amend and Restate the FY-15 Budget and modify/approve the November 10th monthly Commission meeting minutes to indicate on page 4 a \$5,000 donation, not a \$500 donation as written on the rough draft – Tassone; 2nd – Kovack; motion carried.

VII. APPROVAL OF AGENDA

Motion to approve the Agenda as written – Kovack; 2nd – Tassone; motion carried.

VIII. CORRESPONDENCE

The Town has received a letter from Mrs. Jacqueline Vogle to be read into the Minutes in her absence. The letter will be addressed during the Citizen's Privilege portion of the meeting.

IX. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – November 30, 2014

General Fund – \$948,280

Reserve Fund – \$747,501

Accounts Receivable – \$203,492

Budget Report Target – 42% (5 months into budget year)

Income – \$1,579,221 – 64% of budget

Expenses – \$962,163 – 39% of budget

Net Income – \$617,059

Accounts Payable

Bills – \$302,356

Expected Expenses – \$262,400 (including health insurance, payroll, utilities, etc.)

Total bills to be approved – \$564,756 (including semi-annual debt service on the spray farm upgrade of \$93,200 and quarterly debt service on 1990 treatment plant upgrades of \$43,600.

Per Town Manager Savage, the effluent line on Walnut St. is expected to be connected to all households this week. The CTF project on Mill St. is close to completion. The new Water Meter project has not yet begun, other than engineering and the Alarm Upgrade project has not yet begun. Most of these projects are covered by loans.

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

X. TOWN REPORTS

Commissioner Tassone asked for clarification that the 111 Market St. is the Beulah property. Town Manager advised that is true.

President Correll mentioned the 1st annual “Beards for Bridgeville” event that the Police Department sponsored. Officers (and several others) donated money allowing them to have beards while in uniform for the month of December. The money provided gifts for 2 families, including 5 children, and a gift card for the parents to afford a Christmas meal for their family.

Police Officer Cullen helped in bringing a gentleman home to Delaware who was in a shelter in Kentucky. President Correll expressed thanks for Officer Cullen for taking on this humanitarian project and for assisting the Delaware State Police.

Town Manager Savage clarified that the Code Department issued a violation for gym equipment in a resident’s front yard.

XI. CITIZEN’S PRIVILEGE

Town Manager Savage read into the Minutes a letter from Mrs. Jacqueline Vogle from 124 Widgeon Way. It will be an attachment to the Permanent Minutes. It concerns the spalling of the sidewalks in front of her house. She was advised it would be repaired when the streets and sidewalks were accepted into Town maintenance and that has not happened.

Mrs. Ruth Skala from 108 Whistling Duck Dr. thanked Police Officer McQuown for watching their house while they were out of Town. He contacted them after discovering an unlocked door at their residence. Mrs. Skala appreciated the Officer's quick response to lock the door for them.

Mrs. Skala also announced a special presentation at the Bridgeville Public Library on December 9th at 7:00 P.M. The Select Ensemble from Woodbridge High School will be performing a Holiday Program.

XII. OLD BUSINESS

A. Ordinance 14-H – Rafail Mini-Storage Request

Solicitor Schrader announced a Public Hearing for an application from Mr. Waddia Rafail to expand his Conditional Use for eight additional storage buildings at 100 Market St., Tax Map Parcel #1-31-10.16-14. An additional run of storage units would be located directly behind the proposed Dollar General Store. The original Conditional Use for storage units was granted July 12, 2005 at this location. The Planning and Zoning Commission (P&Z) recommended approval at their November 18th meeting. Mr. Rafail was not in attendance at the meeting and could not be reached by telephone immediately before the meeting began; he was expected to present his application. The Public Hearing was opened at 7:15 P.M. There being no persons present who wished to speak in favor of or in opposition to the application, the Public Hearing was closed at 7:16 P.M. Typically the applicant is in attendance to testify, although there is no provision in the charter. It was suggested the application could be tabled; however, Commissioner Tassone made a motion to approve Mr. Raffail's application for an additional 8 storage units on his property and change the name to Ordinance #14-8. Commissioner McDowell seconded the motion; motion carried.

B. Bike Path Easement

Town Manager Savage reported there were questions from last month's discussion concerning ADA compliance for the bike path. He has contacted the Department of Transportation (DelDOT) and other Americans with Disabilities Act (ADA) personnel who stated a bike path is considered a multi-use path and is subject to ADA requirements. Concerning the existing path, it is Town Manager Savage's recommendation that the Town work on an easement just to the northern boundary where they would construct the newer section of the bike path, making sure that it is ADA compliant, and maintains that section. He recommends leaving the existing portion of the path alone. Town Manager Savage does not have an estimate of what the additional ADA requirements will cost; however, there was a \$70,000 estimate two years ago for another portion of the path, which he believes would cost \$100,000 currently. He added the Town anticipates receiving grants from DNREC. If the Town takes the bike path over, they would need to make sure it is ADA-compliant. Town Manager Savage recommends that we modify the bike easement to just include the northern part that we will build by grant and make it ADA compliant. The 2 bike paths would not touch, but be in close proximity to each other, if Heritage Shores is agreeable. Street Superintendent Passwaters has met with DelDOT and ADA; he believes the north end of the existing path does not meet specs.

Town Manager Savage asked the Heritage Shores developer to agree to an easement for the north boundary only where the Town would like to construct a new section of bike path. If the 2 paths (Town built/developer built) connect, they will both have to be ADA-compliant, per DelDOT.

Commissioner Kovack doesn't want to be responsible for a non-compliant bike path. Per Town Manager Savage, there is a chance the Town would receive a grant for making the current bike path ADA-compliant; however, it is an unknown at the moment. He would like to negotiate with DelDOT and get the 2 paths separated.

Motion to table the discussion until the Commissioners have more information – Kovack; 2nd – McDowell; motion carried.

XIII. NEW BUSINESS

A. Sussex County Community Development Block Grant (CDBG) Program

Mr. Brad Whaley, Director of Sussex County Community Development, opened the Public Hearing at 7:23 P.M. and explained that his office applies for and administers the Community Development Block Grant program for Sussex and Kent Counties. Funds come from the Department of Housing and Urban Development to Delaware through our State Housing Authority (DSHA). This year they anticipate \$2.2 million available for the program, which assists low to moderate income households with housing issues – house rehabs, water hook-ups, infrastructure problems, demolitions, etc. DSHA sets the priority for the program, which is the maintaining of existing housing stock. They accomplish 170-200 housing rehab projects each year. There are income limits to be approved for the program.

Over the past 10 years Bridgeville has received over \$490,000, which has helped 29 people with housing rehabs and the demolition of 9 dangerous structures. There are currently 23 people on Bridgeville's waiting list. Bridgeville did not receive funds this past year, but anticipates funding this year. Mr. Whaley advised they prepare and submit the 60-70 page application for the Town.

Mr. John Gladmon from 114 Market St. asked whether the Town or CDBG actually makes the application. Mr. Whaley advised Sussex County applies to the DSHA on behalf of the Town. It was clarified that the County decides where the money goes; however, it is based on the priorities on the Towns' lists. The county will ask for several projects on behalf of the Town. Per Mr. Whaley, they will make sure the 23 homeowners on our list still qualify for the program, should funding be available this year.

Mr. Ken McDowell from 406 Laws St. questioned the condemned house on Cook St. and whether it could be demolished through the CDBG. Mr. Whaley advised it might be possible through the landowner or through the Town. To-date the Town has not found the landowner. There is a hearing on January 19, 2015 in Chancery Court concerning a ruling to demolish that property.

Motion to participate in the 2015 CDBG Program – Tassone; 2nd – McDowell; motion carried.

B. Heritage Shores Infrastructure Acceptance – Phase 1B & 2A

Town Manager Savage advised the Town has received a request from Passwaters Farm, LLC for acceptance of Phases 1B and 2A infrastructure, including roadways.

Mr. Robert Rauch, engineer for the project was in attendance and made a presentation. In 2005, 6 & 7, Phases 1B/2A were completed. In 2009 the Town accepted Phase 1A into the Town system. Dedication typically comes after final surfacing. The roads have been inspected over the last 6-8 months, indicating areas that need repair/replacement. Mr. Rauch believes all repairs have been done to the satisfaction of Street Superintendent Rick

Passwaters, who disagreed as the Town has not inspected Blue Heron, White Pelican or Snowy Egret. Mr. Rauch advised these were model home areas and these streets are no longer a part of this request for infrastructure acceptance.

(Please refer to the map provided by Mr. Rauch.) Streets in green are proposed for dedication tonight; Mr. Rauch believes they have been inspected by the Town and repaired. Areas in orange area are intended to be ready for dedication in 2015 and areas in blue are intended to be ready for dedication in 2015 or later.

The Whistling Duck cul-de-sac was recently re-paved; however, Street Superintendent Passwaters reported there are broken curbs in that area. The general contractor advised he would extend his warranty an additional year.

President Correll advised she rode through the development with Superintendent Passwater recently and saw a lot of problems even without being knowledgeable about cement; he is very wary of accepting responsibility for these roads with the problems she has seen.

Mr. Rauch advised Phase I and Phase II were all constructed under the Town's inspection supervision and were approved by the Town. The only thing they must deal with now is to make any repairs that had been previously constructed and inspected by the Town. It was all completed to the Town's requirements. They did not put the finished paving in until the housing was completed in an area. Every crack was marked, repaired and replaced. He does not know what else the developer can do on Phases I and II; they have met the obligations.

Mr. Rauch believes the Phase I & II as-builts have been given to the Town. Town Manager Savage and Commissioner Kovack advised they have not seen them. Per Mr. Rauch, McCrone made them and the Town's engineer, Davis, Bowen & Friedel reviewed them. He was unaware that the Town had not received the certified as-builts.

The conversation moved to the Infiltration and Inflow problem with the sanitary sewer collection system that has been inherent from the beginning. The developer has worked to resolve the issue and is prepared to find the issue. It is not related to infrastructure acceptance; however, placing conditions on the acceptance as they continue to research the I and I problem may be helpful.

Mr. Rauch explained there is an I and I problem at the lift station, with possible sources as the H. S. development, the wet well or the pumping station. It might be a H.S. problem and it might not be. Mr. Rauch went into great detail concerning their efforts to find possible I and I in both Phases 1 and 2 – repairing man-hole covers, clean-out connections and smoke testing. A dry summer did not assist in their efforts, but hopefully the weather will cooperate so they can continue the search. There are indications that the problem is in Phase I. Clean-out connections are being repaired as they discover problems. They are systematically going through the system to find any problem that can be contributing to the I and I.

Mr. Rauch is certain there is no I & I issue related to the infrastructure that is within the road Right of Ways (ROW's); therefore it does not influence the dedication of the roadways. He believes the problem is in Phase I, which has already been accepted by the Town and is technically the Town's problem; however, they will continue to look for the specific problem. They are searching without confirmation that the problem lies within the Heritage Shores system. He requested the Commissioners not to focus on the I & I issue as it relates to the Phase 1 and Phase II road acceptance. He added that it is impossible to make roads that have been there since 2006-2009 look completely new. He suggested the test is: is there a structural failure that is going to cause an ongoing maintenance problem? Unfortunately, concrete cracks; they cannot make them perfect.

Mr. Rauch humbly asked that the Town accept the streets.

President Correll advised she has been driving the H.S. streets many times recently and has concerns about accepting roads that construction traffic is using constantly, with on-going construction; the roads are being torn up from the tractor-trailer traffic.

Mrs. Ruth Skala from 108 Whistling Duck Dr. expressed frustration with paving trucks fixing the roads, followed by Town staff spray-painting problem areas after the roads have been fixed (over and over.)

Per Town Manager Savage concerning construction traffic on accepted roads, the Developer's Agreement states that if there are damages to the roadway due to construction, the developer is supposed to repair those roadways. He believes there needs to be a better effort to make construction traffic come through the construction entrance.

Mr. Dean Dubbe' from Brookfield Homes advised even after construction completion in an area, there will be large truck traffic due to additions, patios, trash trucks, etc. They are also receiving pressure from H.S. residents to do final paving on their roads. Mr. Rauch added that the road standards are designed for trucks. The roads are "test rolled" with a fully loaded dump truck.

Commissioner Kovack recommended tabling this discussion until January. He has reports from department heads telling him not to accept the roads.

Per Mr. Dubbe' there were recent walk-throughs and discussion with each of the Town Department Heads when all were in agreement that the infrastructure was acceptable.

Town Manager Savage advised some of the reports the Commissioners are reviewing are from October when there were still items to be fixed. Since then all punch list items have been addressed for the Water Department. Additionally, the Wastewater Department has no issues, per Jeff Collins. Town Manager Savage is looking forward to receiving the as-builts, which will satisfy some of the concerns. The I & I problems are not related to the infrastructure the developer is asking the Town to accept. Town Manager Savage trusts that the developer will commit to moving forward on this investigation. He advised the Street Department's concerns include the courts and Whistling Duck Dr. cul-de-sac. Perhaps that could be removed from acceptance and addressed later. Town Manager Savage also recommended not signing anything until the as-builts are in hand.

Commissioner Kovack asked Street Superintendent Passwaters which roadways he is willing to accept. Mr. Passwaters advised he would not accept any of the loops; he has concerns about Whistling Duck cul-de-sac and unfinished houses at the end of Gadwall on Whistling Duck Dr. He is concerned that the roadway will be torn-up when the new houses are built. Mr. Dave Carro from H.S. advised they have offered extended warranties until the 5 houses are constructed, even if it takes 10 years.

Solicitor Schrader asked for clarification that the roads, water and sewer are all being accepted tonight. He also asked how the I and I issue relates to tonight's acceptance. Mr. Rauch advised the water/sewer in Phase 1A was accepted in 2009. Town Manager Savage is confident that none of the water mains in the roadways are an I and I issue. It was added that a smoke test proved it.

Solicitor Schrader advised a letter from Town Engineer Jason Loar suggested that the I and I issue be studied for 6 months. The developer is willing to continue looking for the problem; it is the only issue from the

Town's point of view that still needs to be resolved to accept this phase (along with Superintendent Passwaters concerns listed elsewhere).

Commissioner Kovack made a motion to accept the infrastructure in Phase 1B & 2 A with three conditions: (1) extended warranties offered on Whistling Duck Dr. until the last 5 homes are constructed, (2) fix the cul-de-sac problems and (3) continue to pursue the I and I problem. Commissioner Tassone seconded the motion. President Correll also requested that Mr. Rauch bring the as-builts to Town Manager Savage. Motion carried.

Commissioner Tassone questioned how sidewalks relate to this discussion. Per Town Manager Savage, they don't relate at all. Sidewalks must be inspected by the homeowner when they buy the property, unless the Homeowner's Association is involved. The Town Code advises the homeowner is responsible for their sidewalk. Mr. Dubbe' advised the developer marked and fixed a lot of sidewalks for the homeowners, although they did not replace Mrs. Vogle's sidewalk because they didn't find anything wrong with it.

Town Manager Savage reported the inspection process for H.S. settlements has been upgraded. The Town now checks clean-outs, sidewalks, meters, etc. before a certificate of occupancy is issued.

Ms. Dottie Harper from Brookfield Homes advised in Phase 1A (Will's Island and Amanda's Teal) the acceptance letter for that portion acknowledges that the Town accepts responsibility for the sidewalks. That is a different interpretation than how it has operated. It was re-iterated that none of the sidewalks have been accepted or will be maintained by the Town. Additionally, all trees are either the homeowners' or HOA's responsibilities.

Mr. Gladmon commented on the road acceptance issue and suggested that the Town construct a height bar at the Heritage Shores entrance limiting the use of the front entrance and requiring large trucks to use the construction entrance.

Town Manager Savage does not believe we could initiate that practice for H.S. since we don't do that for any other streets in Town. Ms. Harper added the height isn't necessarily the problem; it is the truck weight that is the problem.

Mr. Kenneth McDowell from 408 Laws St. asked clarification on sidewalk ownership, as it is not mentioned on the deed of the house. Town Manager Savage explained per the Town Code, the homeowner is responsible for the maintenance of the sidewalk. Mr. McDowell asked if it is included in a homeowner's deed. Town Manager Savage advised there are instances when the sidewalk is in the Town's right-of-way and an Ordinance has been passed concerning the sidewalk maintenance. Solicitor Schrader agreed that if the sidewalk is in the Town's right-of-way, it is the responsibility of the adjacent property owner to maintain it.

C. FY-2014 Audit Report – Lank, Johnson & Tull, CPA

President Correll introduced Mr. Rick Tull, the Town's CPA, to explain the Town's Audit Report of the fiscal year ending June 30, 2014. This is an un-modified report, which is the highest level you can get and a tribute to the hard work of the Town staff. Mr. Tull directed the Commissioners to page 6 of the report. He advised the white pages are called "Management's Discussion and Analysis" and tend to be more of a layman's look at the Town's financial position. If the Town were a business, this would be considered the "Balance Sheet". The net position of the Town is our net assets (what we own) less the liabilities (what we owe). What's left over is the net position. The Town has General Funds and Water/Sewer Funds, which only changed by 1% from last year. Basically, we broke even.

Financial Analysis

The Town's total revenues (excluding transfers) increased by 5% to \$2.79 million. Revenue from business-type activities increased by 2% to \$1.47 million, which is mainly attributable to an increase in water and sewer service charges and impact fees. Governmental revenues increased by 7% to \$1.32 million, which is primarily attributable to increases in building permits, transfer taxes, and property tax revenue.

The total cost of all programs and services decreased by 2% to \$2.65 million. The costs of business-type activities decreased by 1% to \$1.47 million, which was primarily due to decreases in a number wastewater expenses including equipment replacements, debt service and engineering fees. The cost of governmental-type activities increased by 6% to \$1.18 million. This increase was primarily attributable to capital outlay, debt service on new loans, health insurance costs, and salaries.

General Fund Budgetary Highlights

The budget was amended once during the fiscal year. General Fund actual revenues of \$1.33 million exceeded budget revenues of \$1.12 million by \$0.21 million (19%). This favorable variance was primarily the result of greater than anticipated federal and state grants and transfer taxes.

General fund actual expenditures of \$1.25 million exceeded budgeted expenditures of \$1.17 million by \$0.08 million. This unfavorable variance was primarily the result of unbudgeted capital outlay that was funded with loan proceeds.

Mr. Tull advised Exhibit A on page 10 of the financial report is the full presentation of the Balance Sheet and Statement of Net Position. Cash on hand totals \$991,630; Accounts Receivable totals \$371,630 for Total Assets of \$21,460,374. The largest liabilities are loans to USDA; total liabilities are \$5,663,546. The Town's net position is \$14,254,828.

Page 11 includes the Government-Wide Statement of Activities, which, if this were a business, would be considered an Income Statement. If the Town were a for-profit business our income would be \$138,479 for the year ending June 30, 2014.

Mr. Tull believes this is a good financial report; the Town's position has been very steady year-to-year. He advised it is important for the Commissioners to keep a sharp eye on the finances of the Town.

Motion to approve the FY-14 Audit Report – Tassone; 2nd – McDowell; motion carried.

D. Planning and Zoning Commission (P&Z) Appointment

President Correll reported she has not received a letter of recommendation from the Historical Society President, Mr. Howard Hardesty, concerning the possible appointment of Mr. John Gladmon to P&Z. Mr. John Shockley, who represented the Historical Society on P&Z for a number of years, resigned from the position. President Correll has requested Sussex County P&Z guidelines to assist Bridgeville in its P&Z activities and appointments. Several Commissioners suggested tabling the appointment until they hear from Mr. Hardesty and receive county guidelines.

Motion to table – Tassone; 2nd – McDowell; motion carried.

Town Manager Savage will gather P&Z information from various sources for review by the Commissioners. Commissioner Tassone recommended finding members whose qualifications and expertise would be useful to P&Z. Solicitor Schrader requested that the P&Z not be so large to make it difficult to obtain a quorum. (The County P&Z has 5 members.)

E. Board of Adjustment Re-Appointments (Hardesty/Dickerson)

Town Manager Savage advised the Board of Adjustment appointments of Mr. George Hardesty and Mr. Wayne Dickerson expire on January 8, 2015. It was noted this Town Board has not had an application since 2012.

Motion to re-appoint Mr. Hardesty and Mr. Dickerson – Kovack; 2nd – Tassone; motion carried.

F. Take Home Vehicle Policy Amendment

Motion to table the Take Home Vehicle Policy Amendment discussed during the Executive Session – Tassone; 2nd – McDowell; motion carried.

XIV. INTRODUCTION OF ORDINANCES

Town Manager Savage advised the Town needs to adopt a new Flood Plain Ordinance involving regulations from the Department of Natural Resources and Environmental Control (DNREC). The Bridgeville flood plain maps themselves have not changed. The Bridgeville Branch is the local body of water affected by this proposed Ordinance.

Ordinance #2015-A was introduced “To amend the Town Code of the Town of Bridgeville to repeal Chapter 138 Flood Damage Prevention; to adopt a new Chapter 138 Flood Damage Reduction; to adopt Flood Hazard Maps, to designate a Floodplain Administrator, to adopt Administrative Procedures, and to adopt Criteria for Development in Flood Hazard Areas, and for other purposes; to provide for Applicability; Repealer; and an Effective Date”.

XV. GOOD OF THE ORDER

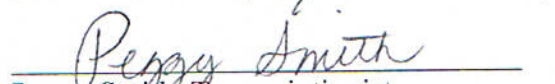
There were no announcements to be made.

XVI. ADJOURNMENT

Motion to adjourn – Kovack; 2nd – McDowell; motion carried. The meeting was adjourned at 8:45 P.M.

Respectfully submitted,


Lawrence Tassone, Commission Secretary


Peggy Smith, Transcriptionist