

MINUTES
COMMISSIONERS OF BRIDGEVILLE
April 13, 2015
EXECUTIVE SESSION 6:45 P.M.
OPEN SESSION 7:00 P.M.
TOWN HALL

I. EXECUTIVE SESSION CALL TO ORDER

The meeting was called to order at 6:49 P.M. by President Pat Correll. Present: Commissioners Kevin Carson, Sharon McDowell, Jay Mervine, 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.

III. EXECUTIVE SESSION – Pending Litigation

Motion to go into Executive Session – Tassone; 2nd – Carson; motion carried. The Commissioners went into Executive Session at 6:49 P.M.

IV. OPEN SESSION CALL TO ORDER

Motion for Open Session Call to Order – Tassone; 2nd – McDowell; motion carried. The Commissioners returned to Open Session at 7:00 P.M. The meeting began with the Pledge of Allegiance and Prayer. Solicitor Schrader advised a report was given to the Commissioners concerning threatened or pending litigation as a result of a potential personal injury. No votes were taken.

V. APPROVAL OF AGENDA

Motion to approve the Agenda as written – Tassone; 2nd – Carson; motion carried. Commissioner Mervine requested that the Agenda be amended to allow Bridgeville's Senator Brian Pettyjohn the opportunity to speak during the meeting. The Agenda was so amended.

VI. APPROVAL OF MINUTES

Commissioner Carson advised of an error in the March 9th minutes. The vote to approve the February 9th meeting minutes should have been 4-0-1 with an abstention by Commissioner Carson. Motion to approve the minutes from the March 9th Commission meeting with the above correction – Tassone; 2nd – McDowell; motion carried.

VII. CORRESPONDENCE

A letter was received from Rehoboth Beach City Commissioner Kathy McGinnis, thanking the Commissioners for the wonderful dinner hosted by Bridgeville for the monthly SCAT (Sussex County

Association of Towns) dinner earlier this month. She appreciated her 3 servings of dumplings and her husband enjoyed the gift of a pound of RAPA Scrapple.

Two Certificates of Appreciation have been presented to the Police Department from Phyllis Wheatley Elementary School for participation at the College and Career Fair and for reading to the students on April 1, 2015.

VIII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE

Balance Sheet – March, 2015

General Fund – \$230,953 a decrease of \$40,873 over last month

Library Fund – \$3,266

All Accounts – \$1,277,609, a decrease of \$40,593

Accounts Receivable – \$136,254

Budget Report Target – 75% (9 months into budget year)

Income – \$2,108,086 – 79% of budget

Expenses – \$1,938,657 – 72% of budget

Net Income – \$169,428

Accounts Payable

Bills – \$71,079

Expected Expenses – \$136,117 (including health insurance, payroll, utilities, etc.)

Total estimated amount to be approved – \$207,196

Commissioner Carson questioned expense line item #4125 – Lease and Maintenance Agreements, which is currently at 90% of budget. Town Manager Savage advised that line item has maxed out, as most of our agreements come due in January. He also questioned line item #4160 – Pension Costs, which is also high. This is similar to the previous line item expense. The bill is paid in August for the previous year for most employees; however, the Police Department pension is paid monthly.

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

IX. TOWN REPORTS

Commission Tassone questioned the \$40 re-connection fee to Waste Management (WM). The charge has been waived in the past and Mr. Jeffrey Karch from WM is working on the issue. Additionally, the Town will need to go out for bid on trash collection, as the current contract is up in October.

President Correll questioned the need for a continuing contract since the Town is no longer involved in the financial aspect, only in negotiating a price on behalf of residents. Per Town Manager, the price was reduced by \$.75, since the Town was no longer doing the administration work; however, we still receive phone calls from residents concerning problems and aren't really free from the additional work. Other trash contractors are allowed to make agreements individually with homeowners and are able to under-cut the WM price, if they choose. That also means we have trash

trucks waking people up early several days a week, not just one day, as when we had an exclusive contract. The Town anticipates a steep rate increase, as \$14 per month is a very low price in this area.

Town Manager Savage suggested we could return to exclusivity of a trash company so we wouldn't have trash trucks throughout Town all week long. Currently we have as many as 5 trash companies coming into Town.

Commissioner Tassone advised several properties in Heritage Shores are not receiving trash service, as the street is not on the geo map at the county. Per Town Manager Savage, the problem is with coordination of information at the county level. The mapping has now been completed; Mr. Karch has also been informed of the new streets. Commissioner Tassone expressed concern that these new homeowners receive their trash receptacles, as well.

Commissioner Tassone expressed concern about the general housekeeping needs of the Town's wastewater facility and asked that a clean-up be scheduled for the facility's various buildings.

Commissioner Tassone asked if newly installed water meter issues have been resolved. Most of the issues have been taken care of, although there are still some minor problems with the software. It took the Water Superintendent Kimball 4 hours instead of 2 days to read the meters this month.

Commissioner Tassone asked the difference between "spray discharge – 8" and "spray irrigated 4" on the Wastewater report. Town Manager Savage explained the Town sent effluent to the farm 8 days (where it was stored in the pond) and actually sprayed 4 days. Spraying is determined by weather and other factors.

Commissioner Tassone reported Town Manager Savage submitted an excellent ethics proposal to the Commissioners. Under the rules of the Delaware Ethics Commission, the Town must submit the proposal to the state. He suggested adding the proposal to the May Agenda for consideration.

Commissioner Mervine questioned a manhole cover issue on the Street Department report. There was a stuck manhole cover that could not be opened on N. Cannon and Oak Sts. The roadway will have to be cut open, due to excess pouring of blacktop on that roadway.

X. CITIZEN'S PRIVILEGE

Mrs. Ruth Skala from 108 Whistling Duck Dr. requested that the number of monthly building permits be included in the Code Department Report, as well as the dollar amount of permits.

Mr. Kenneth McDowell from 408 Laws St. suggested the Street Department contact MillerMetal in Bridgeville concerning the stuck manhole cover. They could easily remove the cover with their plasma cutter. Town Manager Savage will look into it.

XI. OLD BUSINESS

A. Wastewater Treatment Plan Upgrade Approval

Town Manager Savage reported a Wastewater Workshop was held on March 26th. The Facility Plan Update was presented to the Commissioners and discussion centered on the Commissioners' final decisions concerning future plans for the wastewater plant (WWTP). The Town must pursue funding and begin the application process. Ms. Jennifer Walls from DNREC toured the plant after the March 26th meeting for visual evidence to take back to the state about the condition of our plant and wastewater process. A new plant/upgrade will cost \$8 or \$9 million.

Commissioner Mervine asked if a further review of the plant has changed any minds concerning the best direction. Town Manager Savage would upgrade the plant so that the Town can stream discharge and keep the spray facility that we have. Commissioner Mervine agrees. President Correll also agreed with that decision, based on her conversation with the Rural Water Association and their expertise in this area. She believes the Town will receive some assistance with the huge cost of the project. She added that Greenwood should be at the table with Bridgeville concerning the funding of this project, as they will have to pay their share of the cost (18%).

Commissioner Carson agrees with the other Commissioners; investing in a new plant is a better direction to go. It is a complex issue based on prior commitments and finances. He also suggested Town Manager Savage approach Sussex County administration again concerning their future wastewater plans in this part of the county. It is hard to understand why the eastern side has joint wastewater facilities and the western side does not and encouraged a collaborative effort between our Towns. The request should be made, even if there isn't a positive response. Bridgeville is making an \$8-\$10 million decision with a \$5 million debt, which is difficult.

Motion to approve the \$9 million upgrade to the Bridgeville Wastewater Plant and continue stream discharge, along with the suggestion that Bridgeville re-approach the county about a western Sussex plant – Mervine; 2nd – Tassone; motion carried.

XII. NEW BUSINESS

A. Planning and Zoning Commission Reappointment

Town Manager Savage reported that Mrs. Sandie Rementer's Planning and Zoning term of office is expiring and he has received a letter of interest from her concerning re-appointment to a 3-year term.

Motion to re-appoint Mrs. Rementer to the Planning and Zoning Commission – Tassone; 2nd – McDowell; motion carried.

B. Election Board Appointment

Ms. Kelly Davis and Mr. Richard Glover have both resigned from the Bridgeville Election Board. Town Manager Savage advised two residents are interested in filling the vacancies – Mrs. Vera

(Connie) Hartzell (304 Laws St. – resident since 1966) and Mr. Angelo Danza (80 Emily's Pintail Dr. – resident since 2011).

Motion to appoint Mrs. Hartzell and Mr. Danza to the Election Board – Carson; 2nd – Mervine; motion carried.

C. A RESOLUTION AUTHORIZING AN ANNEXATION REFERENDUM

Town Manager Savage advised the Town has received an annexation request for a single property at 502 S. Main St., in order to tie-in to the Town's water/sewer system. The Commissioners must adopt a Resolution determining the date and time for the Referendum. Town Manager Savage recommended scheduling the Public Hearing at the Town's next Commission meeting (May 11, 2015) and the Annexation itself taking place at Bridgeville Town Hall on Thursday, May 14, 2015, with voting from 3:00 P.M. to 7:00 P.M.

Solicitor Schrader advised all 26 municipalities in the county have different requirements and the Referendum process does not neatly fit single parcel annexation requests. The Town would have to change the charter to allow an easier annexation process for single parcels.

Senator Pettyjohn commented other Towns have changed their charters for this same reason. In Georgetown properties apply and then are accepted into the municipality; it is still considered an annexation process.

Property owner Mr. Robert Smith, III advised they tried to go to the county, but could not easily receive a permit from DNREC; it would be a 3-4 month process.

It was determined that the current annexation process will need to be followed, as there isn't time to change the Town's charter at this late date. It was questioned if Mr. Smith can begin the process of changing to Town water before the Referendum. Solicitor Schrader advised Mr. Smith must wait to list the house or do anything else until after the annexation. Solicitor Schrader added that de-annexing is a separate process and is covered under a different statute.

Motion to adopt Annexation Resolution and name it Resolution #15-2 – Mervine; 2nd – McDowell; motion carried.

It was generally agreed that Solicitor Schrader should pursue a charter change that would simplify the process for single properties requesting annexation in the future.

D. A RESOLUTION TO PARTICIPATE IN THE FUNDING OF A DOWNTOWN MASTER PLAN CHARRETTE FOR THE TOWN OF BRIDGEVILLE

Per the recommendation of the Town's Economic Development Committee, the Town will partner with the Delaware Economic Development Office (DEDO) to receive Economic Development Funds from the state and the United States Department of Agriculture (USDA). The Town will be required to advertise and hold public meetings, as well as commit funding and seed money for the plan. A total of \$9,000 will be committed and expended no later than June 2016.

Commissioner Tassone supports this program, which is very similar to the plan proposed several years ago by the Downtown Main Street program. It is better funded by DEDO and is comprehensive. We must take positive action toward attracting business to Bridgeville.

Per President Correll, the DEDO money is available until August. Several surrounding Towns have participated in this program.

Town Manager Savage believes the Town needs commitment and involvement to move forward; we don't want the money wasted on a program to which the Town is not fully committed. President Correll added that in Georgetown residents have successfully solicited funds from businesses, the community and even those who live outside Town limits. Solicitor Schrader added this will be an excellent opportunity to get local businesses on-board and working together with the Town as a unified whole.

Bridgeville will provide seed money and the rest will be grant and donated money. It was also mentioned that this campaign builds on our already familiar logo – “If you lived here, you would be home now”.

Motion to adopt a Resolution to participate in the funding of a Downtown Master Plan Charrette for the Town of Bridgeville and name it Resolution #15-3 – Tassone; 2nd – Mervine; motion carried.

XIII. INTRODUCTION OF ORDINANCE(S)

There were no Ordinances to be introduced at this meeting.

XIV. GOOD OF THE ORDER

Commissioner Tassone read a statement concerning his belief that the Town should conduct a Re-Districting exercise, based on the large increase of population in District #2 and the Town Charter mention that the Town “may re-district within one year of the annexation of new territory within the Town limits.” A motion was made by Commissioner Tassone, as follows: “In accordance with the Charter of the Town of Bridgeville, the Commissioners authorize a redistricting of the Town within the one year time frame permitted.” The motion died for lack of a second.

President Correll advised re-districting was undertaken in 2010 and she does not believe it should be done before the 2020 Census; however, she welcomes other opinions. Commissioner Tassone advised there are now approximately 800 residents in Heritage Shores and he believes they are 50% of the voting population in Bridgeville.

Commissioner Carson appreciated Commissioner Tassone's passion for the issue; however, he recommended, in the future, if he wished to solicit a second or motion, Commissioner Carson would like to have a copy of the proposal prior to the meeting. Other Commissioners agreed.

Commissioner Tassone was un-aware this reason for re-districting was in the Charter until earlier today. The Code allows a one-year window for re-districting. He intends to continue to place this issue before the Commissioners.

Mr. Kenneth McDowell from 408 Laws St. (Director, Sussex County Board of Elections) advised there are similar problems in other Sussex Towns, as one Town has 3,000 extra voters in a district due to different parts of the county growing differently. He added, by Federal law, reapportionment will not take place again until 2020. Commissioner Tassone believes the Bridgeville's Charter allows this redistricting and it is a reasonable request.

Senator Pettyjohn was in attendance and he also thanked Bridgeville for hosting the April Sussex County Association of Towns (SCAT) meeting recently. SCAT members heard from our federal delegations and discussed funding needs for Sussex County and, specifically, the needs of Bridgeville's wastewater plant. The Senator is looking at several avenues to help fund this important project. He advised in the past, the bulk of the funding for Georgetown's similar needs came from USDA Rural Development funding. He added, the General Assembly is continuing to fight for Towns' Municipal Street Aid and Community Transportation Funds (CTF).

Senator Pettyjohn also mentioned proposed changes to the intersection of Rt. 13 and Rifle Range Rd. at the recent Department of Transportation (DelDOT) meeting. Initially, DelDOT wanted to close the intersection completely; however, they are leaning toward keeping the intersection open, but only allowing left turns and no straight across Rt. 13. A left turn on northbound U.S. 13 onto Rifle Range will be permitted and a left turn on southbound U.S. 13 onto Rifle Range will be permitted. He advised there is a movement at DelDOT to prohibit straight across traffic because they cause the most accidents.

Commissioner Mervine does not believe DelDOT's own incident figures justify this action. Senator Pettyjohn advised they identified it to the federal highway improvement projects; therefore, they are required to do something about it. He believes this is better than closing the intersection.

Representative Wilson was also in attendance and commended the Town for the SCAT dinner. He advised these are challenging times at the state with cuts in many sectors.

President Correll asked about new taxes for corporations. Per Representative Wilson, the committee is still working on the bill. After additional meetings, they will bring the matter before the House. It is another hit to corporations, with the possibility of them leaving states such as Delaware.

Commissioner Mervine asked if there is any talk of placing the administrative portion of DelDOT back into the general budget, instead of the Transportation Trust Fund. Per Senator Pettyjohn, there is always talk, but where will we get the other money from?

Senator Pettyjohn advised some of these problems began during good financial times; however, more recently the state has lost manufacturing and chemical businesses. We need to bring blue collar worker manufacturing back to Delaware. The largest industry Delaware has is agriculture and there are recent negative impacts that are not advantageous for that industry, as well.

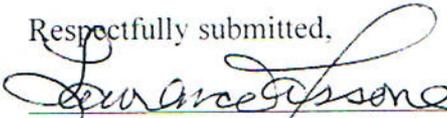
President Correll thanked our Senator and Representative for their efforts to keep Punkin' Chunkin' in Sussex County. Circumstances have been a very big disappointment. Mr. Scott Thomas at the County has worked very hard on this issue. Senator Pettyjohn advised it isn't over yet, there may be other options. Representative Wilson added that he worked with Senator Pettyjohn for over two years on this project and the trial lawyers are the main obstacle.

Ms. Dottie Harper advised she needs to talk with the Apple Scrapple Festival Committee and Town Manager Savage concerning a written agreement for Apple Scrapple parking. She added that they have some asphalt work going on at Heritage Shores, with warmer weather arriving. She reported that the Market House should be ready by summer.

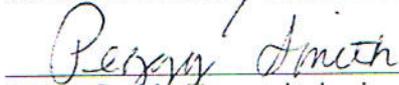
XV. ADJOURNMENT

Motion to adjourn – McDowell; 2nd – Tassone; motion carried. The meeting was adjourned at 8:14 P.M.

Respectfully submitted,



Lawrence Tassone, Commission Secretary



Peggy Smith, Transcriptionist