

**MINUTES**  
**COMMISSIONERS OF BRIDGEVILLE**  
**August 10, 2015 – 7:00 P.M.**  
**TOWN HALL**

**I. CALL TO ORDER**

\*Minutes corrected 9/14/15 pg. 6 – “Golf Beneficiaries Resolution”

The meeting was called to order at 7:00 P.M. by President Pat Correll. Present: Commissioners Kevin Carson, Sharon McDowell, Jay Mervine, Lawrence Tassone, Town Manager Jesse Savage and Solicitor Dennis Schrader. The meeting began with the Pledge of Allegiance and Prayer.

**II. QUORUM PRESENT**

President Correll reported a quorum was present to discuss Town business.

**III. APPROVAL OF AGENDA**

Commissioner Tassone recommended moving Agenda item X. “New Business A. Ann Humphrey Tribute” earlier in the Agenda to follow “V. Correspondence”. It was agreed to change the Agenda.

**IV. APPROVAL OF MINUTES**

Commissioner Carson requested that the July Minutes be amended on page 5, paragraph 4 to indicate that the July Economic Development meeting took place at the library. The current verbiage could indicate that the Economic Development meeting was about the library.

Motion to approve the Minutes as modified – Tassone; 2<sup>nd</sup> – McDowell; motion carried.

**V. ANN HUMPHREY TRIBUTE**

President Correll reported Ms. Ann Humphrey is retiring from the U.S. Postal System after 30 years of dedication to the Town of Bridgeville as a mail carrier. Ann has always gone above and beyond the call of duty for all the citizens of Bridgeville and has cared for the needs of our elderly neighbors. The Tribute was read aloud by Commissioner Carson. Additionally, State Representative Wilson and State Senator Pettyjohn presented Tributes to Ann from the House of Representatives and Senate.

Mr. Sonny Hardesty, the Postmaster who hired Ann 30 years, was in attendance to say a few words, as well as current Postmaster, Mr. Roger Joseph. Commission President Correll presented a gift to Ann on behalf of the Commissioners, Town employees and residents.

Ann was appreciative of all those who spoke on her behalf and she added that she has loved her thirty years in Bridgeville.

**VI. CORRESPONDENCE**

Mr. Steve Rose from Nanticoke Memorial Hospital wrote a letter of thanks to the Commissioners for Bridgeville’s support of the hospital’s Capital Campaign.

A letter was received from the Bridgeville Building and Loan Association asking for reserved parking spaces at the new parking lot on the corner of Market and Mechanic Sts. for their employees and customers. It was suggested this was a difficult thing to do and would set a precedent. President Correll doesn't believe parking is going to be a problem; the new lot will provide 17 spaces. This was not an action item for this evening's meeting, but will be considered in the future if parking becomes a problem.

## **VII. APPROVAL OF FINANCIAL STATEMENTS AND BILLS PAYABLE**

Balance Sheet – July, 2015

General Fund – \$611,569 (increase of \$255,548 over last month)

All Accounts – \$1,595,275

Accounts Receivable – \$779,877

Budget Report Target – 8% (1 month into budget year)

Income – \$827,715 (Income at 31% of budget)

Expenses – \$211,078 (Expenses at 8% of budget)

Net Income – \$616,637

Accounts Payable

Bills – \$13,373

Expected Expenses – \$137,750 (including health insurance, payroll, utilities, etc.)

Total estimated amount to be approved – \$151,123

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

Commissioner Carson questioned sewer fees/penalties and water service fees/penalties showing a negative balance. Town Manager Savage advised it is a journal entry and relates to timing issues. June's bills went out in July; therefore, some of last budget year's fiscal revenues were collected in July.

Commissioner Tassone questioned loan #2141B – USDA, a wastewater infrastructure improvements loan at 6% interest. This loan was to be paid off at the close of FY-15. Town Manager Savage has asked for a pay-off balance, which the USDA is processing. The Town should receive the information in September.

## **VIII. TOWN REPORTS**

Applications for a Clerk position and Public Works position are being reviewed. The Town is hopeful to have the new staff hired by early September.

Commissioner Tassone mentioned an expected \$160 million deficit at the state level next year. If it is true, can Bridgeville afford two new full-time employees? He suggested changing the status of these new employees to part-time. Town Manager Savage advised there is a cushion in our budget. President Correll believes the current staff needs the full-time additions. Dr. Carson commented a change to part-time employees might jeopardize the quality of our applicant pool.

Police Chief Longo advised the annual Employer Support of the Guard and Reserve banquet took place on July 29, 2015. Bridgeville was awarded the Secretary of Defense Freedom Award. President Correll and Chief Longo represented the Town at the banquet.

Commissioner Tassone questioned the progress of the SCADA alarm system for the Town's wells. The project has not yet begun; however, they anticipate the installation to take approximately 60 days.

Dr. Carson questioned the replacement of an LMI pump at Well #6 and the mention of fluoride on the Water Report. It was clarified that fluoride is added to our water system.

Dr. Carson questioned the difference between spray discharge and spray irrigation. It was clarified that spray discharge is what the Town physically pumps to the pond. Spray irrigation refers to the actual spraying.

President Correll was pleased to see 21 building permits issued in the month of July.

Dr. Carson noticed a downturn of incidents on the Police Report and congratulated Police Chief Longo. Additionally, the Town's Police dog, Flash, won officer of the quarter. President Correll added that Flash's handler, Sergeant James, received a letter of commendation from the Wicomico County, Maryland Sheriff.

## **IX. CITIZEN'S PRIVILEGE**

Mr. Bill Keaveney from 5 Champions Drive in Heritage Shores expressed concern about egress at his home, due to the amount of construction taking place at that location. Evacuation in that area would be difficult in an emergency. He questioned adding another egress.

Town Manager Savage believes it is no different than Amanda's Teal Dr., which is also a cul-de-sac. Commissioner Tassone will discuss this matter at the upcoming Heritage Shores HOA meeting.

Ms. Susan Hyatt from 18 Blue Heron Ct. advised at the recent Economic Development presentation, Mr. Muldrow suggested that someone contact the Dollar General (DG), due to the building plans not fitting the vision the Town is hoping to express. Specifically, there are concerns about changing the exterior façade. President Correll advised the Commission required that the exterior be brick. She talked with Mr. Muldrow after the presentation to explain the Town's requirements placed on DG. They are modifying their normal façade, since it is in the historic district. Ms. Hyatt suggested flower barrels or something similar and President Correll advised DG has already planned shrubbery for the property.

## **X. OLD BUSINESS**

### **A. Public Hearing, Discussion and Possible Voting on AN ORDINANCE TO AMEND THE ZONING DISTRICT DESIGNATION FOR THE LANDS OF PET REALTY, LLC FROM M-1 MANUFACTURING DISTRICT TO C-1 COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND IN THE TOWN OF BRIDGEVILLE CONSISTING OF 4,336 SQUARE FEET, MORE OR LESS (Ord. #2015-E)**

Ordinance #2015-E was considered on July 20, 2015 by the Bridgeville Planning and Zoning Commission with a Public Hearing, after which they voted to recommend adoption to the Commissioners of Bridgeville. Solicitor Schrader advised a Public Hearing is also being held tonight.

Building owner, Mr. Mark Hunsberger, was present to represent the application. He advised he was not previously aware of the M-1 zoning on the property, as it has always been used as C-1. He is undecided about the future use of the property, but is considering making it into two apartments, as the building is 2-story. The

current M-1 zoning would not allow apartments. A mix of commercial and residential was suggested and Mr. Hunsberger believes that is a possibility.

Solicitor Schrader questioned parking. Mr. Hunsberger advised there is limited parking with spaces for 6 cars total. It was determined the property is served by Town water and sewer and Fire/Police protection are available. Solicitor Schrader mentioned the historic nature of the building and questioned Mr. Hunsberger about any possible changes. Mr. Hunsberger commented the only change might be to add some bushes outside.

Solicitor Schrader opened the Public Hearing at 7:44 P.M. for public comment. There being no individuals wishing to speak, the Public Hearing was closed at 7:45 P.M.

Motion to adopt Ordinance #2015-E to change the zoning district of 501 Market St. from M-1 Manufacturing District to C-1 Commercial District and rename the adopted Ordinance #15-5 – Carson; 2<sup>nd</sup> – Mervine; motion carried. It was determined after the meeting that the proper number for this Ordinance is #15-4 and it will be recorded as such.

**B. Public Hearing, Discussion and Possible Voting on AN ORDINANCE TO AMEND THE LAND USE AND DEVELOPMENT CODE RELATING TO SOURCE WATER PROTECTION (Ord. #2015-D)**

Solicitor Schrader advised the Town must adopt a Source Water Protection Ordinance when they reach a population of 2,000. Ms. Lee Ann Walling from Cedar Creek Planners has prepared an Ordinance and met with the Town's Planning and Zoning Commission to discuss the Ordinance and conduct a Public Hearing. It was approved by that body, subject to the Ordinance being submitted to Town Water and Wastewater Superintendents and Town Engineer Jason Loar from Davis, Bowen and Friedel, Inc. for their comments. The Town employees had no comments and Mr. Loar recommended some changes.

Ms. Walling advised the Ordinance concerns the Town's drinking water and the areas where it is recharged. Adoption is required for the Town's Comprehensive Plan Update and the lack of a Source Water Protection Ordinance will be a problem. State loans will be in jeopardy if Bridgeville doesn't adopt it. Ms. Walling introduced Mr. Doug Rambo from DNREC. The Town's engineer, Jason Loar from DBF, Inc. is also in attendance. Ms. Walling proceeded to explain the map, which includes wellheads, well head protection areas and excellent groundwater recharge areas. She also identified the location of the Town wells.

Ms. Walling indicated various wellhead protection zones and suggested that businesses such as an auto body repair shop should not be allowed in well head protection areas. Her recommendations follow state guidelines and she has reviewed what other similar-size Towns are doing concerning wellhead protection. The Town has control over what is developed in these wellhead protection areas and must protect its public drinking water wells and the areas of excellent recharge.

Ms. Walling discussed impervious cover, which includes parking lots, buildings, streets, driveways, etc. A hand-out describing impervious cover is an attachment to the original minutes. It was noted that all recorded lots in Heritage Shores are already grandfathered in.

A problem-area is located at Rt. 404 and Rt. 13, known as Bridgeville Mall. This area is not in Town limits; however Tidewater Utilities' well head protection area is in Town limits. 20 years ago the

Town agreed to provide the wastewater and Tidewater agreed to provide the water for the Bridgeville Mall development, never realizing its hands would be tied concerning future commercial development.

Commissioner Mervine is extremely concerned about the State's involvement in Bridgeville's development. Should Bridgeville be responsible for a Tidewater wellhead protection area that does not belong to them? According to Mr. Rambo, the Town is responsible. An increase of impervious cover makes the well work harder and pulls from water farther away. Quality issues also exist. Even if it is Tidewater's well, Bridgeville may be impacting it. Commissioner Mervine is concerned about a property owner who has been biding his time waiting for interest in the development of his land and now his property value is in jeopardy and his project may be significantly limited.

Commissioner Tassone believes this issue should be grandfathered, as it is pre-existing. It's not even in our jurisdiction! What provision of the law permits the state to transfer the responsibility for Tidewater's well, which we have no legal control over, to Bridgeville's jurisdiction? It is a private company that has a well inside our Town. He understands the desire of the government to protect our drinking water; however, the state has imposed Bridgeville with responsibility for something it has no legal control over. The issue should be dealt with by the county in which the well exists.

Solicitor Schrader does not believe Bridgeville would be responsible for the well, but would be responsible for avoiding contamination of the well. He does not believe it will prohibit growth and development of a commercial entity, believing that all regulatory agencies will coordinate and look for engineering solutions to any problems; it is rare not to solve the issues. He also pointed out that there are 26 state/federal/county agencies in the Plus Review that comment on a development over 55,000 sq. ft. and a process is begun to bring the development into compliance. Bridgeville is one of the last Towns to adopt this Ordinance; the Comprehensive Plan cannot be approved without its adoption.

It was clarified that the Town has 6 public wells.

Ms. Walling advised she and Town Engineer Loar have discussed the possibility of requesting different standards for a non-municipal well. Perhaps the Town could increase the impervious cover limits for that particular area. There will be county requirements to consider, as well.

It was generally agreed that developing this area will be difficult due to this Ordinance. Several Commissioners commented they are not comfortable with voting for or against this Ordinance at this time and recommended a workshop.

Solicitor Schrader opened the Public Hearing at 8:20 P.M.

Senator Pettyjohn understands the Commissioners' concerns, as this is a prime development area. Can the Town develop there with the state restrictions? With it not being a Town well, we have no control. It was clarified that DNREC approved this well years ago and it was not in Town jurisdiction; therefore the Town had no input on the well approval.

As background, the Source Water regulations became law in 2001 and compliance was required by 2007. Bridgeville became accountable when it reached 2,000 residents.

Representative Wilson is concerned about the impact on Bridgeville ten years from now. DNREC holds all the cards and determines all the requirements; the government regulations are excessive.

The Public Hearing was closed at 8:27 P.M.

Motion to table the discussion concerning the Source Water Protection Ordinance (#2015-D) until a later date – Carson; 2<sup>nd</sup> – Mervine; motion carried.

Ms. Walling and Mr. Loar have discussed possible changes and the Ordinance will be re-written in preparation for a Workshop. Mr. Rambo is also willing to attend. Senator Pettyjohn and Representative Wilson are welcome to attend the workshop, if available. It was suggested that Bridgeville enter into a discussion with Tidewater, as well.

## **XI. NEW BUSINESS**

### **A. Golf Tournament Beneficiaries Resolution (R15-7)**

This Resolution designates the Golf Tournament proceeds to be equally distributed between the Bridgeville Kiwanis Foundation and the Bridgeville Lions Club.

For disclosure purposes, Commissioner Carson suggested it be noted that he, Commissioners Tassone and Mervine are members of the Kiwanis Club of Bridgeville; however, the Kiwanis Foundation **\*has a separate board, of which none of the Commissioners are members.** Additionally, Town Manager Savage is a member of the Lions Club. Solicitor Schrader does not believe there are personal interest issues in this vote.

Motion to approve the Kiwanis Foundation and the Bridgeville Lions Club as beneficiaries of the 2015 Golf Tournament and adopt Resolution #R15-7 – Tassone; 2<sup>nd</sup> – McDowell; motion carried.

President Correll advised the funding of local service organizations was instituted when the Heritage Shores development was begun. These organizations donate large amount of money to our local community.

### **B. Dangerous Building Inspection Committee – Resolution (R15-8) RE: 17 Church St.**

The Town is appointing a Dangerous Building Inspection Committee to determine whether the structure at 17 Church St. is a serious hazard to life and property. The members will include two Commissioners and two at-large representatives.

Motion to appoint a committee consisting of Commissioners Mervine and Tassone, Mr. Tim Banks and Code Enforcement Officer Mr. Jerry Butler – Carson; 2<sup>nd</sup> – Tassone; motion carried.

### **C. Proclamation – Social Security 80<sup>th</sup> Anniversary**

President Correll advised a letter was received from Mr. Mathew Baxter of the SSA requesting that the Town present a Proclamation for the Administration's 80<sup>th</sup> Anniversary on August 14<sup>th</sup>.

Commissioner Tassone is in favor of the Proclamation; however, Commissioner Mervine does not believe the Town should popularize federal propaganda and sees portions of the Proclamation as self-

aggrandizing. He believes the Town should not be in favor of this Proclamation or other similar documents or requests from the federal government.

President Correll reported she has solicited other Towns about their policy. Some Towns only accept local requests rather than national requests. The Commissioners need to establish a policy.

Motion to adopt Proclamation #P15-1 – Carson; 2<sup>nd</sup> – McDowell; motion carried 3 in favor and 2 opposed. The votes were recorded as follows: Commissioner Carson – yes; Commissioner McDowell – yes; Commissioner Mervine – no; Commissioner Tassone – no; President Correll – yes. The Proclamation was read in its entirety.

## **XII. INTRODUCTION OF ORDINANCE(S)**

President Correll introduced Ordinance #2015-F regarding a Conditional Use request by Ms. Tanya Haines to open a Hair Salon at 607 S. Main St. in Bridgeville. The application will be heard before the Planning and Zoning Commission on September 15<sup>th</sup> and return to the Town Commission at the October meeting for possible adoption.

## **XIII. GOOD OF THE ORDER**

Dr. Carson questioned a completion date for the Mechanic St. parking lot. Town Manager Savage advised it should be completed by the end of August. President Correll reported the work has gone slowly due to unexpected underground hindrances.

Dr. Carson thanked Senator Pettyjohn and Representative Wilson for shepherding the Commissioners through the complicated process this spring to change the Town's charter as it related to annexation and re-financing. President Correll advised Town Manager Savage received a call from the Governor's office about the charter changes.

Commissioner Tassone expressed concern about whether the Commissioners have received a letter from Mrs. Ruth Skala concerning economic development. The Commissioners are in receipt of the letter.

Commissioner Tassone questioned the status of a previously proposed Snow Ordinance. Town Manager Savage will prepare the Ordinance for introduction in September.

Commissioner Tassone questioned the "Rules of Procedure" drafted by Commissioner Mervine several months ago. Per Title 29, Public Officers and Employees, the document has to be reviewed by the Commission prior to submitting the document to the State Ethics Commission Office for review and approval and then returned to the Town for adoption or ratification. He has since discovered the Town is supposed to have an Ethics Commission and the document should have been drafted by them rather than by Commissioner Mervine.

Per Solicitor Schrader, he has served on this Commission in the past. There have only been three municipalities to submit a Code of Professional Conduct to the Public Integrity Commission. The code already applies to the Bridgeville Commissioners and Town employees. If an ethical problem comes up, the Commission can deal with it personally or ask for an advisory opinion from the State Public Integrity Commission. Commissioner Mervine was unaware of this Commission and withdraws his draft document.

The Bridgeville Historical Society's Annual Auction takes place Saturday, September 5<sup>th</sup> at 6:00 P.M. at the Bridgeville Fire Hall. Admission is \$20.00.

Cheer is having its Fried Chicken Dinner for \$6.00-\$8.00 on September 4<sup>th</sup> at Trap Pond State Park.

Daughters of the American Revolution and the Heritage Shores Military Club are inviting everyone to a Patriot's Day Celebration on Friday, September 11<sup>th</sup>, 10:00 A.M. at Heritage Shores.

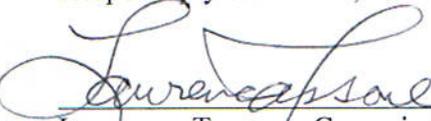
The United States Marine Corps celebrates its 240<sup>th</sup> birthday on November 14<sup>th</sup> with a Marine Corps Birthday Ball at the Heritage Shores Clubhouse from 5:30-10:00 PM.

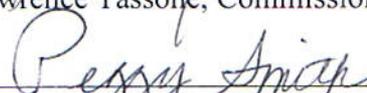
The Delaware League of Local Governments is requesting nominations for City/Town Manager of the year and President Correll would like to nominate Town Manager Savage. The Commissioners were in agreement with the proposed nomination.

#### XIV. ADJOURNMENT

Motion to adjourn – Mervine; 2<sup>nd</sup> – Tassone; motion carried. The meeting was adjourned at 8:58 P.M.

Respectfully submitted,

  
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Lawrence Tassone, Commission Secretary

  
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Peggy Smith, Transcriptionist